

POLICY COMMUNITIES AND POLICY NETWORKS:  
THE ESTABLISHMENT OF  
INDIAN AND NORTHERN AFFAIRS CANADA EDUCATION POLICY  
IN THE SASKATCHEWAN REGION

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## ABSTRACT

The purpose of the study was to determine what policy documents reveal about the domains of policy communities and policy networks in the development of Indian and Northern Affairs Canada educational policies for band managed schools in the Saskatchewan Region.

This was a documentary study, which involved in excess of 5000 pages of documents for the period 1993 to 2005. The conceptual framework used for this study was based upon the theory relating to policy communities and policy networks in three processes: (a) the problem stream, (b) policy stream, and (c) political stream. This was drawn mainly from the work of John Kingdon (2002, 1995), Leslie Pal (1997, 1992), A. Paul Pross (1992), and Grace Coleman and William Skogstad (1990).

The policy process was found to be state-directed with minimal involvement from the associational actors until 2003, when a critical event occurred which resulted in a realignment of the associational actors. Implications for theory included the role of a critical event in the realignment of the associational actors and the resulting change in the policy network. The networking within the subcommunities actors influenced the networking among them. Implications for practice emerging from this study pointed to the need for a tightly integrated associational system of actors when they are faced with a tightly integrated set of government actors, and the need to keep an issue on the public agenda even when it is not on the government and decision agenda. Implications for future research included the issue of policy development and implementation of the policy for the nominal roll process in other INAC regions in Canada and nominal roll policy development and implementation post 2005.

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## DEDICATION

This research is dedicated to the membership of the Peter Ballantyne Cree Nation, the Elders, the youth, the leadership and the technical staff. This research is also dedicated to all people who have an interest in First Nations education.

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## **CHAPTER ONE**

### **THE BACKGROUND TO THE STUDY**

Public policies are a part of everyday life. Canadian public policy is divided into foreign policy and domestic policy, which is subdivided into “social development policy” and “economic development policy” (Jackson, 2000, p. 501). These policies impact and regulate, or control, many aspects of the lives of the people. Activity in the public sector indicates that policies are increasing. Pal (1997, p. 1) stated “the world is saturated with policy.” There is a growing interest in the study of policy and the field of policy analysis (Pal 1992, 1997). Hall (1994, p. 1) wrote “There is interest in gaining insights into the policy-making process, and in seeking to understand (and even predict) the behaviour of governments in the field of public policy.”

The government of Canada is legislatively responsible for the First Nations people in Canada. The government of Canada assumed this responsibility from the British Crown. The Royal Proclamation 1763 recognized Aboriginal rights (Brooks & Miljan, 2003; Ponting & Gibbins, 1980). The Royal Proclamation 1763 stated:

And whereas it is just and reasonable, and essential to our Interest, and the security of our Colonies, that the several Nations or Tribes of Indians with whom We are connected, and who live under our protection....And We do further declare it to be Our Royal Will and Pleasure, for the present as aforesaid, to reserve under our Sovereignty, Protection, and Dominion, for the use of said Indians, all the Lands and Territories, not included within the Limits of Our Said Three Governments. (Smith, 1975, pp. 3-4)

The British Crown was responsible for the protection of the Indians.

The Canadian Government is constitutionally responsible for Indians under the British North America Act 1867. This responsibility is two-fold, for the government is responsible for both Indians and lands reserved for Indians. Section 91, subsection 24, of the British North America Act 1867 stated:

It is hereby declared that (notwithstanding anything in this Act) the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated; that is to say, - [Section] 24. Indians and Lands reserved for Indians. (Department of Justice Canada, 2001, pp. 28, 30)

In Canada, there is no federal department of education, for Section 93 of the British North America Act 1867 assigned education as a provincial responsibility. Section 93 stated “In and for each Province the Legislature may exclusively make Laws in relation to Education” (Department of Justice Canada, 2001, p. 34). The education acts of the various provinces, however, have little applicability to the schools managed by First Nations. This is supported by Section 91 of the British North America Act 1867 which also stated

And any matter coming within any of the classes of subjects concerned in this section [section 91] shall not be deemed to come within the Class of Matters of a local or private nature comprised in the enumeration of the classes of subjects by this Act assigned exclusively to the legislatures of the provinces. (Department of Justice Canada, 2001, p. 30)

The Treaties which were signed between the various First Nations and the Government of Canada recognized education as a treaty right and supported the obligation of the government to provide an education for First Nations students. Saskatchewan is covered by several numbered treaties which make reference to education. For example, both Treaty Number 5 and Treaty Number 6 stated “Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of the

Dominion of Canada may seem advisable, whenever the Indians of the reserves shall desire it” (Morris. 1991, pp. 345-346, 353). Treaty Number 4 stated “Further, Her majesty agrees to maintain a school in the reserve allotted to each band as soon as they settle on said reserve and are prepared for a teacher” (Morris, 1991, p. 333). Treaty Number 8 stated “FURTHER, Her Majesty agrees to pay the salaries of such teachers to instruct the children of said Indians as to Her Majesty’s Government of Canada may seem advisable” (Indians Treaties and Surrenders, 1993, p. 292). Treaty Number 10 stated “His Majesty agrees to make such provision as may from time to time be deemed advisable for the education of Indian children” (Indian and Northern Affairs Canada, 1966, p. 11). These treaties clearly indicate that the federal government assumed responsibility for the education of First Nations students.

The Indian Act (1876), amended from time to time, makes reference to education. The Indian Act (1985) limited the government of Canada’s responsibility for education only to on-reserve students, for section 4, subsection, 3 stated

Sections 114 to 122 [sections on schools], unless the Minister otherwise orders, do not apply to or in respect of any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province. (Indian Act 1985)

Sections 114 to 122 cover the following topics: (1) agreements with provinces and the establishment of schools; (2) the establishment of regulations for standards, for transportation, for supporting children in schools operated by religious organizations, and for paying for children in residential schools; (3) student attendance and schools to be attended; (4) duties and powers of truant officers; and (5) teacher denomination and the establishment of schools for minority religious denominations.

Indian and Northern Affairs Canada (INAC) is the federal department which has the mandate to administer the constitutional responsibility of the Government of Canada in relation to First Nations people. At the national level, INAC headquarters established policy to be implemented at the regional level. These policies were mainly concerned with student eligibility for funding, the nominal roll, and educational programming funding categories. The regions used these policies to develop guidelines for the delivery of the educational programs in their respective region.

Treasury Board allocated funds to Indian and Northern Affairs Canada. The various regions used their nominal roll policy to allocate educational funds to the various band operated schools. The nominal roll was a head count of on-reserve students who were eligible for funding. In the Saskatchewan Region, students were to be in attendance on September 30 and were to have a regular pattern of attendance. At the high school level students were to be registered in at least 75% of either the classes being taught in either the school year or semester, or in at least six classes. The decision on 75% of the classes taught, or enrolment in six classes, was at the discretion of the financial services officers who conducted the audit. These were the students who were eligible for elementary/secondary funding under the INAC educational management regime for the Saskatchewan Region.

### **Purpose of the Study**

The purpose of this study was to determine what policy documents reveal about the domains of policy communities and policy networks in the development of Indian and Northern Affairs Canada educational policies for band managed school in the

Saskatchewan region. Policy documents on the nominal roll process formed the basis of the study at the Saskatchewan Region and North Central District levels.

### **Research Questions**

From an analysis of documents related to the nominal roll from 1993 to 2005, the following research questions were answered:

1. What do documents indicate about actors that comprise the *policy communities* and what role do they play in the establishment and implementation of the nominal roll policy for First Nations?
2. What do documents indicate about actors that comprise the *policy networks* and what role do they play in the establishment and implementation of the nominal roll policy for First Nations?
3. What do documents indicate about the role community specialists play in the establishment and implementation of the nominal roll policy?

### **Significance of the Study**

Band managed schools have operated in Saskatchewan since the 1970s. According to recent studies, there were problems of leadership in the schools (Auditor General's Report 2000, Ministers Task Force on First Nations Education, December 2002), and there was a need for First Nations involvement in the development and implementation of educational policy. With the absence of a federal department of education, First Nations educational policy was vital in education delivery and governance. Recent reports concerning the quality and status of First Nations education in Canada identified the educational gap that exists between First Nations students and non-First Nations students. The Auditor General's Reports (April 2000; November



2004) stated that it will take in excess of 20 years for First Nations students to achieve educational parity with their non-First Nations counterparts provided non-First Nations student do not advance.

Canadians in general have control over their education through input into decision making and by electing trustees. Decision making also occurred through elections at the provincial level. Although the First Nations administer schools, they have very little control over their education. INAC set the rules and controlled the funding and dictated that First Nations schools were to follow the curriculum and general guidelines of the province. This was a condition of the funding agreements signed between INAC and the Indian band or agent acting on behalf of the Indian band. Parental control of education through First Nations control necessitated policies and a policy relationship with the federal government. First Nations control of education was also viewed as a part of First Nation self government. Through local control, there were enhanced opportunities for the maintenance of identity through the preservation of language and culture.

This study contributed to the clarification of issues surrounding the formulation of First Nations educational policy, as illustrated through documents, and made a contribution to the knowledge of INAC education policy development in the Saskatchewan Region. The findings of this study established a baseline for Saskatchewan INAC educational policy development.

### **Assumptions**

It was assumed there was a need for a thorough analysis of the documents related to the development of INAC educational policy. It was also assumed that a

historical analysis of educational policy would provide insights into educational policy making for First Nations education. The written educational policies in the Saskatchewan Region of INAC provided information on the composition of the policy communities and the policy networks in the Saskatchewan region for First Nations education.

### **Limitations of the Study**

The following limitations to the study are noted:

1. The study was limited by the destruction of some documents that may have shed more light on the nominal roll process.
2. There were fewer documents available for the time period 1993 to 2000 with the majority of the documents being INAC policy, guidelines and directives.
3. There were more documents in the period 2000 to 2005, and these documents were of varied sources.
4. The primary documents that were used were the INAC policies, guidelines, and letters, and the secondary documents were presentations based on the interpretation of those documents and references to those documents in public forum.

### **Delimitations of the Study**

The following represent the major delimitations to this study:

1. The study was delimited to the Saskatchewan Region in terms of the establishment of First Nations educational policy and to the time period in which the nominal roll has been a policy that was followed in Saskatchewan, 1993-2005.

2. The use of documents as the data base and the type of documents used also delimited the study. The type of documents used were: INAC nominal roll policy and guidelines documents, minutes of meetings with INAC official and the tribal councils or grand council and individual bands; correspondence on the issue of the nominal roll between INAC and the tribal councils, the grand council and individual bands; court cases or legal opinions on nominal roll; the financial regimes related to the issue of the nominal roll; and audited nominal roll numbers and notes taken during the nominal roll audits.
3. The study was delimited to the application of the conceptual framework of policy communities and policy networks as represented in each of the policy streams: the problem stream, the policy stream and the political stream (Kingdon 1995/2003).
4. The issue of educational funding was delimited to the funding of First Nations education which is substantially different from provincial funding of education in the province of Saskatchewan.

### **Definitions**

The following definitions are provided as an aid in the interpretation of the research:

The **attentive public** refers to the actors in the policy making process who are not a part of the sub-government.

**Band operated schools** are schools that are managed by the First Nations on reserves. These schools are funded by INAC.

**CFA** refers to a Comprehensive Funding Arrangement that is signed between some First Nations and Indian and Northern Affairs Canada. These are yearly agreements, are based on contribution funding, flexible funding and grants. For education, the funding is based on the actual number of students counted on the audited nominal roll.

The **Chief and Council** is the governing body of the First Nation. The Chief and Council are elected by the membership.

The **director of education** is the chief executive officer employed by the First Nation to oversee the education system. In Saskatchewan, this individual must meet the criteria established by the League for Educational Administrators, Directors, and Superintendents (L.E.A.D.S.) for a director of education.

The **education committees** are advisory committees for the educational program at the reserve level.

The **education coordinator** coordinates the education program for the First Nation. The education coordinator does not have the necessary qualifications for L.E.A.D.S. membership. The education coordinator is mainly a liaison between the school and the education committee.

The **education director** is chief executive officer employed by the First Nation to oversee the education program. This individual is a certified teacher, but does not have the necessary qualifications for L.E.A.D.S. membership.

**FTA** refers to a Flexible Transfer Agreement which is a funding agreement signed between some First Nations and INAC. An FTA agreement is a five year agreement, with a base year. Funding is increased in future years based on price and

volume, regardless of increases or decreases in enrolments, populations, etc. Funding can be moved from one department to another, with minimum standards being maintained.

**First Nations** refer to the various Indian bands in Saskatchewan

A **grand council** is a merger of more than one tribal council. In Saskatchewan, the Prince Albert Grand Council is the only grand council. The Prince Albert Grand Council (P.A.G.C.) is composed of four tribal councils: the Athabasca sector, the Woodland sector (Woodland Cree), the Eastern sector (Swampy Cree) and the Southern sector (Plains).

**INAC** refers to Indian and Northern Affairs Canada.

An **Indian** is defined by law. Status Indians are “those Aboriginal people who have been registered or who are entitled to be registered under the Indian Act, including those who belong to communities covered by treaties” (Brooks & Miljan 2003, p. 261). ““Indian”” means a person who pursuant to this Act is registered as an Indian or is entitled to be registered as an Indian (Indian Act 1985).

The **nominal roll** is the process used by INAC to fund education. The census date is September 30 of each year. INAC supplies student data sheets which list the names of every student on the previous year’s nominal roll. The school principal updates these sheets, showing additions and deletions. These are sent back to the district office for input into the INAC system. This generates new sheets. INAC officials visit every First Nation school in Saskatchewan and read the registers of all the classrooms. These officials compare the input sheets to the registers. INAC officials check for student attendance patterns. Students who have established positive patterns

of attendance are eligible for funding. Students who do not have a regular established pattern of attendance may be removed from the nominal roll for funding purposes. For attendance purposes, the months of September and October are used. Students at the secondary level who do not have a minimum 80% attendance in at least three subjects in the first semester may not be eligible for funding.

The **policy community** refers to the actors who have a stake in a policy. The actors in a policy community “have interests in and influence over policies produced or debated in the sector” (Pal, 1992, p. 109). The actors in a policy community are government, associations and the attentive public. The actors that make up the policy community are “government actors...associational actors...and attentive public” (Pal 1992, p. 109).

A **policy issue** is the problem that needs to be guided by policy.

The **policy network** is the relationship between the actors in the policy community. It is the “subset community members who interacted with each other on a regular basis.....Network is the linking process within a policy community or between two or more communities” (Howlett & Ramesh, 2003, p. 151).

The **portfolio councillor** is assigned to particular areas of concern. In this study the portfolio councillor is the band councillor who is assigned to oversee education.

A **store front program** is an education retrieval program designed to bring irregular attenders back to the school system, but in an alternate setting than the regular school.

The **sub-governments** refer to groups who have power in terms of formalizing policies.

**Tribal councils** are organizations of First Nations who are joined together for advisory purpose.

### **The Researcher**

The researcher has been involved in education for 34 years. For 33 years, the researcher has been working with First Nations students at the provincial, federal, tribal council and band levels. The researcher has served as a teacher, an administrator, a consultant and a senior education manager – both as an education coordinator and as a director of education. The researcher is involved in the implementation of INAC educational policies in First Nations jurisdictions and in provincial jurisdictions. The researcher has lived on a reserve for 20 years.

As a result of previous academic work, the researcher has a background in school organization based on goals studies and in school reviews in First Nations settings. The researcher conducted goals setting sessions in five First Nations schools and in approximately 25 provincial schools that have a high proportion of First Nations or Aboriginal students. In addition, the researcher conducted school reviews in four First Nations schools and one provincial school whose student population was approximately one-third Aboriginal.

Prior to this study, the researcher had knowledge of the fact that the nominal roll existed; however, he was not involved in the nominal roll process. During the course of work on this study, the researcher gained knowledge of the working of the nominal roll process and the reality of the nominal roll.

## **Organization of the Study**

Chapter One contained an overview of the background to the study. The legal requirements for the provision of education to First Nations students were outlined. The study was significant in that it sought to clarify issues surrounding INAC policy. Chapter One also listed the assumptions, limitations, and delimitations of the study. Key terms were then defined.

Chapter Two is an overview of policy as an area of study. The nature of public policy is discussed. Several definitions of agenda-setting are presented, and several models of agenda setting are described. These related to: systemic and government agendas, agenda streams, and the expanded agenda model. Interest groups, pluralism and corporatism are discussed. The chapter then provides an overview of policy communities and policy networks.

Chapter Three provides an overview of the context of the study. The legal background of First Nations education is presented. The chapter then provides a brief review of the First Nations education, and recent stages in First Nations education with particular reference to the major federal reports in First Nations education.

The methodology used in this study is covered in Chapter Four. Historical methodology and documentary analysis were used in this study. The issues of documentary analysis and reliability and validity were presented.

Chapter Five presented an analysis of the data from the documents in the problem stream and Chapter Six presented an analysis of the data from the documents in the problem stream and the political stream. The data analysis presented in Chapters Five and Six were presented according to policy communities and policy networks in



Chapter Seven. Chapter Eight provided a summary of the study and reflections on the study, with implications for INAC educational policy, for theory and for practice.

## **CHAPTER TWO**

### **REVIEW OF RELATED LITERATURE**

This chapter provides the background to policy as a concept. The topics covered in this chapter are: (1) definitions of policy and policy areas; (2) agenda setting; (3) interest groups, pluralism and corporatism, (4) levels of policy analysis, and (5) policy communities and policy networks.

#### **The Nature of Public Policy**

Public policies are a part of our everyday life. Both contemporary and historical societies have been governed by policies. There is an increase in the use of policies, which impact and regulate, or control, many aspects of the lives of the people. Hayes (1992) reiterated this when he wrote “public policy affects all of us....it is becoming increasingly difficult to think of an area of our lives that remains untouched by government” (p. 1). There is a growing interest in the study of policy and the field of policy analysis (Pal, 1992, 1997). Hall (1994, p. 1) wrote “there is interest in gaining insights into the policy-making process, and in seeking to understand (and even predict) the behaviour of governments in the field of public policy.”

There are various definitions of policy. Easton (1965) viewed political interaction as an “authoritative allocation of values for a society” (p. 50), for things of value are distributed among people or groups. This distribution can occur in three ways. First, through this distribution, some people may be deprived of valued things

that they possess. Second, other people can be prevented from obtaining what they would normally obtain. Last, some people can gain access to valued things, while others may be denied. Thus, policy is based on authority and people may consider themselves to be bound by it.

Hayes (1992) reiterated Easton's definition. He wrote:

Policy outcomes are thus allocations of value for society in as much as they are binding on all citizens. They are authoritative...because the state is recognized as the sole legitimate organ within society for making such binding allocations...the state has a monopoly on the legitimate use of coercion to achieve its ends. (pp. 1-2)

Hayes (1992) also identified three stages "through which all policy must pass: (1) problem identification and agenda setting, (2) policy adoption, and (3) policy implementation" (p. 2). Hall (1994) identified the similar stages.

Dror (1968) referred to policy as guidelines. He stated "these guidelines formally aim at achieving what is in the public interest by the best possible means" (p. 12). Public interest does not imply individual interest, for policy is designed for action and is based on the future. Dye (1971) defined public policy as "whatever governments choose to do or not to do" (p. 1). This definition is reiterated by Aucion (1979), who wrote "Public policy must be considered to encompass the actual activities undertaken by a government whether or not a government's objectives and strategies are explicit, or are congruent with its activities" (p. 2). Governments can change the status quo or maintain it. Thus the study of "public policy must... include the impacts which result from either a government's actions or from a lack of the same" (Aucion, 1979, p. 2).

According to Aucion (1979) there are three characteristics of public policy. There are coercive dimensions, distributive dimensions and systemic dimensions. Public policy is coercive for the government enforces its political authority on the people. It can impose sanctions to enforce policy. The government can also distribute goods and services and “arrange the offices or positions of authority in the political system itself” (p. 3). Public policy is also “systemic in that it entails the exercise of political authority across the total range of public affairs” (p. 3).

Theodore Lowi (1964) identified three different areas of policy. These are distributive, regulatory and redistributive. Distributive refers to “giving something to somebody” (Jones, 1970, p. 141) and “distributive policies...can be disaggregated unit by unit, each unit in more or less in isolation from other units and from any general rule” (Lowi, 1964, p. 690). Some people or groups receive money, favours, and commodities; however, there is no open competition for resources where individuals or groups compete with one another. “A group receives a desired output from the government without, in the short run, competing actively with other groups” (Aucion, 1979, p. 19). Issues of a distributive nature “individualize conflict and provide the basis for highly stable coalitions that are virtually irrelevant to the larger policy outcomes” (Lowi, 1974, p. 695).

Regulatory policies limit what people can do (Jones, 1970) and involve “a direct choice as to who will be indulged and who will be deprived” (Lowi, 1964, pp. 690-691). This is reiterated by Aucion (1979) who wrote “Regulatory policies...involve a more overt decision to meet some demands and not others” (p. 19). General rules are applied to all. “The regulatory arena appears to be composed of a multiplicity of groups

organized around tangible relations” (Lowi, 1974, p. 695). The power structure is less stable. “Since coalitions form around shared interests, the coalitions will shift as the interests change or as conflicts of interest emerge” (Lowi, 1974, p. 697).

Redistribution takes from some and gives to others (Jones, 1970). Social classes are important in redistributive policies (Aucion, 1979), for the aim is to redistribute from those who have to those who have not (Lowi, 1964). “Issues that involve redistribution cut closer than any others along class lines and activate interests in what are roughly class terms” (Lowi, 1974, p. 707).

### **Agenda Setting**

#### ***Definition***

One needs to ask how an issue receives the attention of the government. In other words, what constitutes a problem and how does this problem get on the government’s agenda. Jones (1970) defined a problem as “a human need, deprivation, or dissatisfaction, self-identified or by others, for which relief is sought” (p. 17). Jones (1970), however, stated that a problem is more than a need. He stated “It is perfectly conceivable, that one person, perhaps in one position of authority, will identify a need for another person without that second person being aware that he was suffering deprivation” (p. 18). He continued, “Incongruity between how those who make policy identify needs and define problems and how those who are affected by policy identify needs and define problems can be significant in examining feedback in the policy process” (p. 18). There is interplay between how a problem is defined and agenda setting (Sharp, 1994).

The question arises as to when does a problem become public. According to Smith (1964), individuals discover their problems “in the process of government and political activity” (p. 607). Many publics exist for each problem and many problems are interrelated. The government, however, does not act on all public problems (Jones, 1970). The government chooses which problems to act on and which problems to ignore. One can question how some problems arrive on the government’s agenda, while other problems are ignored or not dealt with. Hayes (1992) summed it up this way: “the basic question has to do with how issues are selected for government attention and potential action....The identification of public problems is anything but automatic. Problems must first be perceived and identified before they can be solved” (p. 2). According to Paul (1994) the manner in which a problem is identified will affect how the problem is conceptualized and will impact the solutions.

According to Cobb and Elder (1983/1972) agenda-building is a “critical phase in the policy process” (p. ix), for it is a “gateway for all later stages. Important values are allocated for society at this stage in the sense that authoritative decisions must be made as to which issues will receive serious consideration, and which will not” (Hayes, 1992, p. 2). In a democratic setting, there needs to be wide-spread participation in agenda-setting (Cobb and Elder, 1983/1972).

Cobb and Elder (1983/1972) used the term “agenda-building” rather than agenda-setting. They defined agenda-building as “a general set of political controversies that will be viewed at any point in time as falling within the range of legitimate concerns meriting the attention of the polity....It may also be used to denote a set of concrete, specific items scheduled for active and serious consideration by a

particular institutional decision-making body” (p. 14). These definitions have two parts – the systemic agenda and the institutional agenda.

Nelson (1984) used the term “agenda-setting” to describe how problems come to the public domain. She defined agenda-setting as “the process whereby public officials learn about new problems, decide to give them their personal attention, and mobilize their organizations to respond to them” (p. 25). Rochefort and Cobb (1994) used the term “problem definition” when referring to “the names policy researchers have given to this process of characterizing problems in the political arena” (pp. 3-4).

Kingdon (1995) defined agenda as “the list of subjects or problems to which government officials, and people outside of government closely associated with those officials, are paying serious attention at any given time” (p. 3). He distinguished between agenda and alternatives. Agendas are the list of the problems, while alternatives are possible solutions to those problems. The public policy process includes at least four processes: “(1) the setting of the agenda, (2) the specification of alternatives from which a choice is to be made, (3) an authoritative choice among those specified alternatives..., and (4) the implementation of the decision” (pp. 2-3).

According to Baumgartner and Jones (1994) “a single component is usually salient” (p. 50) when an issue increases in importance on a public agenda. The entire issue is rarely considered; rather parts of issues are placed on the agenda and the government will respond to these components. At other times, issues are often redefined. The size of an issue is also an important part of the policy process.

McLean and McMillan (2003) defined agenda setting as follows:

The art or science of controlling an agenda so as to maximize the probability of getting a favourable outcome. As many social choice procedures have the

property that a given set of preferences can lead to different outcomes if votes are taken in a different order, there is often scope for manipulative agenda setting. The phrase is also used more broadly for efforts to change the political agenda by adding or subtracting issues. (p. 7)

Culture, ideology and values are important in problem definition (Bosso, 1994).

Rocheffort and Cobb (1994) reinforced this when they wrote “Cultural values, interest group advocacy, scientific information, and professional advice all help to shape the content of problem definition” (p. 4). As such, the culture and mood of the times affect how government will react.

Groups react to threats by going to government. When one group wins, another group will generally lose. Perception is important in influencing how problems are defined, for it is “not how things actually are but rather how they are perceived” (Jones, 1970, p. 35). The publics need to be organized and make representation to government, for governments are limited in “the range of issues and decisional alternatives that will be considered” (Jones, 1970, p. 10). This limitation stems from two factors: (1) governments can consider only a limited number of issues, and (2) individuals have biases that will affect what is considered (Jones, 1970).

### ***Systemic and Government Agendas***

Cobb and Elder (1972) distinguished between systemic and institutional or governmental agendas: “*The systemic agenda consists of all issues that are commonly perceived by members of the political community as meriting public attention and as involving matters within the legitimate jurisdiction of existing governmental authority*” (p. 85). There are three preconditions: (1) there needs to be public awareness; (2) there should be a shared concern by the public that the issue is important; and (3) there should



be a perception that that issue merits government attention (Cobb and Elder, 1983/1972).

The institutional agenda is “*that set of items explicitly up for the active and serious consideration of authoritative decision-makers*” (Cobb & Elder, 1972, p. 86). The focus of the institutional agenda is narrower than the systemic agenda (Nelson, 1984). Institutional agendas consist of both old items and new items. Often old items are habitual or predetermined. New items are “those components that have no predetermined definitions, but are flexible in their interpretation or development” (Cobb & Elder, 1972, p. 88). New items can be reactions to key decisions or they can be channelled through mass mobilization or activism (Cobb & Elder, 1983/1972).

Nelson (1984) noted that the distinction between the agenda types of Cobb and Elder is important. The systemic agenda is abstract, while the institutional agenda is more concrete and “will identify...those facets of a problem that are to be seriously considered by a decision-making body” (Cobb & Elder, 1972, p. 87). According to Nelson (1984) issues are on the public agenda before they are placed on the government’s agenda; therefore, the institutional agenda lags behind the systemic agenda.

According to Cobb, Ross and Ross (1976) there needs to be “an understanding of the ways in which different subgroups in a population become aware of and eventually participate in political conflicts, whether the issues are initiated by groups in the general public or by political leaders” (p. 126). As mentioned previously, Cobb and Elder (1983/1972) identified two types of agendas - the systemic, or public, agenda and the government, or institutional, agenda. All of the issues on the systemic agenda do

not arrive at the government agenda. In addition, once an issue reaches the government agenda, there is no guarantee that it will “receive serious attention from decision makers” (Cobb, Ross & Ross, 1976, p. 126).

The issues on the systemic agenda have the following characteristics: They “(1) are subject of widespread attention or at least awareness; (2) require action in the view of a sizeable proportion of the public; and (3) are of appropriate concern in some government unit, in the perception of the community members” (Cobb, Ross & Ross, 1976, p. 127). Typically, issues will begin in small groups. The resource base of a group will impact how a group gets an item put on the agenda. Through the process of getting an item put on the agenda, the issue can be redefined. There are four possible stages: “initiation, specification, expansion, and entrance” (Cobb, Ross, Ross, 1976, p. 127).

Cobb, Ross, and Ross (1976) outlined three models of agenda building. These are: (1) outside initiation, (2) mobilization, and (3) inside initiation. Consolidation is a fourth model developed by Peter May. As illustrated in Table 1, the nature of public involvement and the initiator of the debate helps to determine the model of agenda setting.

Table 1: Models of Agenda-Setting by Policy Type

<u>Initiator of Debate</u>	<u>Nature of Public Involvement</u>	
	<u>High</u>	<u>Low</u>
Societal Actors	Outside initiation	Inside initiation
State	Consolidation	Mobilization

Howlett and Ramesh, 1995, p. 116

In the outside initiation model, items move from a systemic agenda to a government agenda. Adolino and Blake (2001) stated “Organized interest groups attempt to raise the profile of an issue on the systemic agenda. Interest groups form allegiances with other groups, raise citizen awareness, and lobby the government to get their concerns onto the institutional agenda” (p. 12). A group outside the governmental structure articulates a grievance, which may be translated into specific demands; however, this does not always happen. In some societies there may be a particular role for specification, as in the example of a labour leader who specifies grievances of the membership. A common grievance can also lead to varied demands. An issue can be expanded to others groups in the public and can be tied to other issues.

Cobb, Ross and Ross (1976) identified four groups that can be involved in issue expansion. The identification group is the group that initially identified the problem. Attention groups are aware of the problem and can be quickly mobilized when the problem is in their realm. The attentive public is “a minority of the population and includes those people who are most informed about and interested in public issues” (p. 129). The general public is the last to be involved in an issue. It is hard to sustain the interest of the general public. Entrance is the stage when an issue moves “from the public agenda to the formal agenda” (p. 129).

In the mobilization model, decision makers need the support of the public; therefore, the issue moves from the formal agenda to the public agenda. Generally, a political leader is the source of the issue. Initial policy announcements have few details; however, the policy is made clearer as the issue progresses. The attentive public is targeted when leaders want to expand the issue to the larger public. This is a

government initiative that is brought to the public. The “government constitutes the group interested in agenda setting. In these situations government officials agree that an issue not currently visible in the systemic agenda needs to be addressed. The government works to get the issue onto the systemic agenda to increase public support for subsequent policy decisions and, often, more crucially, for the implementation of those policies once created” (Adolino & Blake, 2001, p. 13).

The inside initiation model attempts to exclude the public from participating. The issue is initiated within government and is aimed at a particular group. Adolino and Blake (2001, p. 13) wrote “influential interest groups seek to pressure the government to address particular concerns without expanding the visibility of the debate on the systemic agenda....interest groups do not engage in advertising campaigns and public rallies but instead attempt to influence government policy makers almost entirely in private meetings.” At the same time it is limited because the government does not want the issue to be placed on the public agenda. The issue attains “formal agenda status” (Cobb, Ross & Ross, 1976, p. 136).

In consolidation there is a high level of public support for government action. The state is the initiator of the debate. According to Howlett and Ramesh (1995) “*consolidation* occurs when the government initiates the process of solving a public problem for which there is already extensive popular support” (p. 116). Furthermore, “the issue does not have to be ‘initiated’, nor does public support have to be ‘mobilized’. It is enough for the state to ‘consolidate’ the existing support and go ahead with making policy” (Howlett & Ramesh, 1995, p. 116).

Nelson (1984) defined agenda setting as “the process whereby public officials learn about new problems, decide to give them their personal attention, and mobilize their organizations to respond to them” (p. 25). She based her research on the agenda-building structure of Cobb and Elder; however, she used different terms. Nelson called the formal agenda the governmental agenda or public agenda “when discussing those matters being considered by governmental institutions” (p. 20). She divided the systemic agenda into two components: the popular agenda and the professional agenda. The popular agenda designates “awareness on the part of the mass public” (Nelson, 1984, p. 20) and the professional agenda designates “awareness among those members of the public informed about a given issue who may promote a particular expert view of a problem” (Nelson 1984, p. 20). She identifies four stages in agenda setting. These stages are “(1) issue recognition, (2) issue adoption, (3) setting priorities among issues, and (4) issue maintenance” (p. 22). These stages are similar to the four stages of Cobb, Ross and Ross (1976).

### ***Policy Agenda and Streams***

Kingdon (1995) defined an agenda as “the list of subjects or problems to which governmental officials, and people outside of government closely associated with those officials, are paying serious attention at any given time” (p. 3). He also distinguished between agenda and alternatives. The agenda is the problem or issue, while alternatives are the possible solutions to the problem or issue. There are two classes of factors that can affect agenda-setting. These are the participants and the processes. The participants relate to the systemic and formal agenda. The processes are the agenda-

setting streams – the problem stream, the policy stream and the political stream (Kingdon, 1995/2003).

The *problem stream* is concerned with how a problem is defined. According to Kingdon (2003) there are three mechanisms through which problems are brought to the attention of decision makers in government. These are “indicators, focusing events, and feedback” (p. 113).

Various indicators bring problems to the attention of the government. Agencies, both governmental and nongovernmental “routinely monitor various activities and events” (p. 90). Patterns of federal expenditures and governmental impacts are routinely monitored. Often studies are conducted on different problems “at a given point in time” (p. 91). Indicators are used “to assess the magnitude of a problem and to become aware of changes in a problem” (p. 91). Decision makers also look for changes in indicators which can be viewed as changes in the system: “this [policy makers] define as a problem” (p. 93). Changes in indicators can have “exaggerated effects on policy agendas” (Kingdon, 2003, p. 94). A straight forward problem that has a quantitative measure helps to account for a problem. How facts are gathered and how they are interpreted is important in defining a problem.

Events need to be pushed to receive attention from government. “That push is sometimes provided by a focusing event like a crisis or disaster that comes along to call attention to a problem, a powerful symbol that catches on, or the personal experience of a policy maker” (Kingdon, 2003, pp. 94-95). Crisis and disasters are less important when policy areas are highly visible. Personal experiences act more as reinforcers rather than as major movers in policy making. Powerful symbols can help to focus

events. Focusing events “need to be accompanied by something else” (Kingdon, 2003, p. 98) in order to reach the policy agenda. They can reinforce a perception that a problem already exists. Focusing events can be early warnings. Similar focusing events can lead to problem definition, for the second crisis, not the first, often leads to “awareness of a problem” (Kingdon, 2003, p. 98).

The government receives feedback on programs and policies which assists the government to monitor problems. There is a range in the problems that can be identified. Kingdon (2003) listed these problems as: “programs that are not working as planned, implementation that does not square with their interpretation of the legislative mandate, new problems that have arisen as a result of a program’s enactment, or unanticipated consequences that must be remedied” (pp. 100-101). According to Kingdon (2003) there are three “channels of feedback – systematic monitoring, complaints and casework, and bureaucratic experience” (p. 101). Conditions become problems when someone decides to do something about it. The manner in which problems are defined has consequences for the action. The values of various individuals will determine whether a problem exists or not. Comparisons between similar events can lead to the definition of a problem. Problems can also be defined according to the categories in which they are placed.

The *policy stream* is composed of a community of specialists. Ideas are floated around. Some ideas take on a sense of importance, while other ideas fade. Often ideas are combined and some ideas thus survive while others do not. Communities of specialists which are both inside and outside government share a common concern with the policy problem. Often the people in the community know one another and often

there is interaction with one another. Although the community of specialists is “affected by and react[s] to the political events” (Kingdon, 2003, pp. 117-118), it has a life of its own.

The community of specialists varies from one policy area to another. Some communities are close knit, while others are fragmented. A community that is close knit “generates common outlooks, orientations, and ways of thinking” (Kingdon, 2003, p. 119), while a fragmented community can lead to fragmentation in policy. This commonality in close knit communities strengthens the integration in the community, whereas fragmentation causes instability.

The various communities of specialists put forward a wide variety of ideas. Some ideas are quickly discarded while others are given serious attention. This initial range of ideas is wider “than the set of alternatives that is actually weighed during a shorter period of final decision making” (Kingdon, 2003, p. 122). Kingdon (2003) used the term “policy entrepreneurs” (p. 122) to label the advocates of ideas. The defining characteristic of policy entrepreneurs “is their willingness to invest their resources...in the hope of a future return” (Kingdon, 2003, p. 122). People advocate for different reasons. Some advocate for personal gain or interest; others advocate in order to promote their beliefs and values; and others advocate for the enjoyment of the action.

Kingdon (2003/1985) emphasized the importance of ideas in the policy stream. He argued that specialists work through problems by working with ideas. Arguments and evidence play a more important role than lobbying; however, issues may not be placed on the “public policy agenda” (Kingdon, 2003, p. 126) for a number of reasons. “Policy making is often a process of creating intellectual puzzles, getting into



intellectual binds, and then extracting people from these dilemmas” (Kingdon, 2003, p. 126). Issues may not be placed on the public agenda while the puzzle is being solved. Lobbyists employ tactics of reason either to promote their arguments or refute the arguments of others. “Both the substance of the ideas and political pressure are often important in moving some subjects into prominence and in keeping other subjects low on governmental agendas” (Kingdon, 2003, p. 127). Issues also may not reach the public policy agenda because some people are opposed and because they are not politically correct. A final reason cited by Kingdon as to why issues fail to surface is because they are boring. Policy entrepreneurs try to “soften up” (Kingdon, 2003, p.128) both the policy community and the larger public; thus, when the right opportunity presents itself, the policy can be pushed forward.

Kingdon (2003) outlined five criteria for a policy to survive: “technical feasibility, value acceptability within the policy community, tolerable cost, anticipated public acquiescence, and a reasonable chance for receptivity among elected decision makers” (p. 131). Proponents need to believe that the proposal will actually work. They must examine the proposal to see if it will actually accomplish what it was designed to accomplish. Proposals need to be agreeable with the values of the community specialists. The proposal must be affordable in terms of the government’s budget. Proposals are costed out and reduced to manageable amounts. Proposals must be accepted by the public. Community specialists also consider the reaction of politicians to their proposals.

The *political stream* is flowing alongside the problem stream and the policy stream. The political stream is “composed of such things as public mood, pressure

group campaigns, election results, partisan or ideological distribution in Congress, and changes in administration” (Kingdon, 2003, p. 145). Changes in the national public mood occur over time and have an impact “on policy agendas and policy outcomes” (Kingdon, 2003, p. 146). Changes in the national public mood can move some items higher on the agenda while other items are placed lower. The national public mood, however, does not necessarily “reside in the mass public” (Kingdon, 2003, p. 149). The national public mood is sensed by politicians who sense the mood of their constituents through various modes of communication. Non-elected officials often sense the national public mood from what they hear from politicians.

An organized political force is a second element of the political stream. If the forces are in favour of a certain direction, government is more likely to act; however, if the organized forces are not in agreement, then the government is less inclined to act. The government considers the balance of support and opposition for the problem.

The third element of the political stream is “events within the government itself” (Kingdon, 2003, p. 153). Incumbents can change their priorities and their positions on issues. Changes in personnel in the bureaucracy and at the political level can lead to new ideas being placed on the agenda. A second component is jurisdiction. There are often battles over turf in regard to issues and policy.

The emphasis on consensus building in the political stream is on bargaining as opposed to persuasion in the policy stream. In bargaining, coalitions are “built through the granting of concessions in return for support of the coalition” (Kingdon, 2003, p. 159). Proposals have already been developed through persuasion at the policy stream. In bargaining, often people join for fear of exclusion.

The streams need to couple and the policy window needs to open for an issue to move forward. The policy stream is a chance for advocates to push for their policy. “Advocates lie in wait in and around government with their solutions at hand, waiting for problems to float by to which they can attach their solutions waiting for a development in a political stream they can use to their advantage” (Kingdon, 1995, p. 165). At critical times the three streams come together. “A problem is recognized, a solution is developed and available in the policy community, a political change makes it the right time for policy change, and potential constraints are not severe” (Kingdon, 1995, p. 165). Although the confluence of the three streams is important, it is “not a sufficient condition for issue entrance” (Howlett, 1998, p. 499). The opening of a policy window is required. Windows will open predictably or unpredictably (Howlett, 1998; Kingdon, 2003).

Policy windows are “opportunities for action on a given initiative” (Kingdon, 1995, p. 166), and are often open for a short period of time. If they close, advocates must await for the next opportunity. There are two types of agendas – the government agenda and the decision agenda. The government agenda is the issue that is being seriously discussed at the government level and the decision agenda is the issue that the government is acting on (Kingdon, 1995).

There can be many issues on the decision agenda. A priority needs to be established for these issues. The opening of a window will often establish the priorities. Items that have a better chance of passage will move ahead of others. “Participants slack off” (Kingdon, 1995, p. 167) if there is little chance of an issue succeeding. Often

advocates will take a hard line and hold to that line until there is a chance that the issue will be passed. Then, they can bargain and compromise.

The problem streams and the political stream have a greater impact on the agenda, while the policy stream has a greater impact on the alternatives. “A window opens because of change in the political stream...or it opens because a new problem captures the attention of governmental officials and those close to them” (Kingdon, 1995, p. 168). “The opening and closing of opportunities for agenda entrance” (Howlett, 1998, p. 487) are affected by the following characteristics: the actual issue (problem stream), political events and institutions (political stream) and the solutions (policy stream).

There are many reasons why windows close. There is a feeling that the problem was addressed. There may be no action. The events or crisis that created the issue may have changed. Personnel changes can both open and close windows. There may be no alternative that is available. One needs to act when the opportunity is there.

Problem windows and political windows are the two categories of windows. If a problem is pressing, decision makers go to the policy stream for a solution. If politicians look for proposals for re-election, or for other political purposes, they turn to the policy stream for proposals. There is a relationship between a problem window and a political window. When the pressing problem opens a window, the solution must be politically acceptable. Advocates need to seize the opportunity when the window opens.

### *The Expanded Agenda-Setting Process*

Soroka (2002) presented an expanded agenda-setting process. An issue is an item of contention between two or more groups. The significance of issues impacts the establishment of an agenda, while the salience of an issue determines its placement on the agenda. The expanded model advocated by Soroka has three elements: the public agenda, the policy agenda and the media agenda. The policy agenda centres on the governmental structure. It is influenced by both the public agenda and the media agenda. The public agenda is composed of interest groups, and influential bodies. It is influenced by the media agenda and influences both the policy agenda as well as the media agenda. The media agenda is composed not only of the press and other news media but also of the entertainment media and polling agenda. The media agenda both influences, and is influenced by, the policy agenda and the public agenda. As illustrated in figure 1, real world factors are at the centre of these elements and have an influence on them (Soroka, 2002, 2001, Soroka & Lim, 2003).

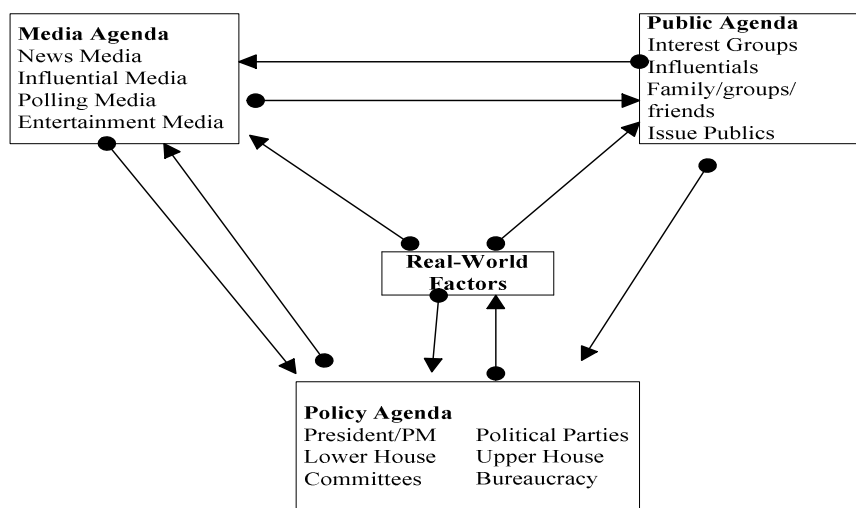
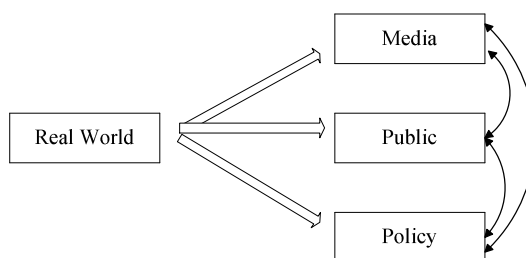


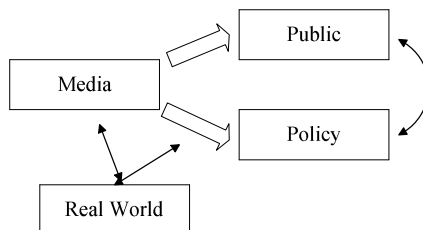
Figure 1: The Expanded Model of the Agenda Setting Process (Soroka, 2002 p. 11)

Soroka (2002) identified three types of issues. They are prominent issues, sensational issues and governmental issues. Prominent issues affect many people. The real world has a strong impact on the public. As illustrated in Figure 2, “the predominant dynamic is between real-world phenomena and the three agendas” (Soroka, 2002, p. 20).

### Prominent



### Sensational



### Governmental

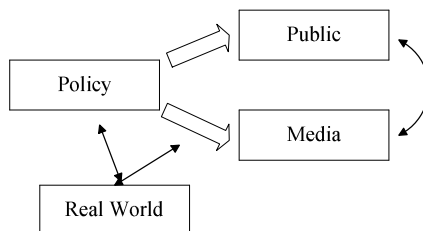


Figure 2: Issue Types (Soroka, 2002 p. 21)

Sensational issues have little impact on the majority of people. These issues are media driven. The media drives both the public and the policy agenda. The real-world impact is incidental. Usually the media does not choose government issues as significant.

“This is because the issues either do not present exciting or dramatic elements or are too abstract” (Soroka, 2002, p. 21). Often governmental issues become important to politicians and the bureaucrats before they become of interest to the media or to the public. The policy agenda takes the lead over the public and the media agenda (Soroka, 2002).

### **An Overview of Interest Groups, Pluralism and Corporatism**

Berry (1989) defined interest groups as “an organized body of individuals who share some goals and who try to influence public policy” (p. 4). Interest groups have an important role in “Canadian political life” (Pross, 1992, p. 218). This is reinforced by Howlett and Ramesh (2003) who wrote “the realities of modern politics enable interest groups to play a significant role in the process” [of government] (p. 57). Issues of a divisive nature can be diffused by interest groups. Often, interest groups are more in tune with public opinion and changes in public opinion than are the government or the government bureaucracy. Interest groups are flexible in articulating individual policy demands. Those in power also have “quick access to public opinion” (Pross, 1992, p. 218) through interest groups. Interest groups help government to “recognize and adjust to the changing needs of the community” (Pross, 1992, p. 218). They also have knowledge that is not necessarily available to others and is of value to both politicians and bureaucrats in policy formation and they have organizational skills that are of value

to government and that help the government to advance its issues (Howlett & Ramesh, 2003/1995).

There are also some drawbacks to interest groups. Some groups may be larger and more powerful and influential than others. Those groups which are more powerful have greater access to policy makers and are more involved in decision making (Howlett & Ramesh, 2003/1995; Pross, 1992). Interest groups represent only a part of their possible membership. Some members in a free democratic society are likely to pursue their own self interests. This may occur even if they hurt others in society (Berry, 1989; Loomis and Cigler, 1991). Berry (1989) stated “interest groups constantly push government to enact policies that benefit small constituencies at the expense of the general public” (p. 1). This is reiterated by Loomis and Cigler (1991) who wrote “these interests legitimately concentrate on pursuing their own immediate...agendas, but in so doing they pay little attention to the impact of their agendas on the nation as a whole” (p. 3). Although interest groups represent a group, there is a question as to whether they are truly representative of the individuals they purport to represent, for they may only represent a part of their membership (Berry, 1989; Loomis & Cigler, 1991; Pal, 1992). Often groups of similar interest are formed. If these groups merge, the larger groups may not represent the original grass roots concerns (Howlett & Ramesh, 2003/1995). Group leaders and senior bureaucrats can often influence the government. There is also a concern that interest groups and their association with bureaucrats are a powerful force in Canadian politics. “Interest group politics threatens the legitimacy of the state” (Pross, 1992, p. 220) if it weakens the accountability of government.



There are various models of interest group representation. Theorists who are concerned with structure concentrate on corporatism. The pluralist tradition focuses on “a less structured, more dynamic group politics” (Pross, 1992, p. 221). The two most common relationships developed between the state and interest groups are pluralist (pluralistic) and corporatist (corporatism).

Pluralism focuses on groups and is “based on the assumption of the primacy of interest groups in the political process” (Howlett and Ramesh, 1995, p. 32). On this view, power is dispersed rather than concentrated in the hands of a few groups. Often, membership between various groups overlaps, for individuals can belong to more than one interest group. In addition, more than one interest group can represent the same interest (Adolino & Blake, 2001; Howlett and Ramesh, 1995, 2003). Group characteristics can affect the group’s influence on policy. Adolino and Blake (2001) wrote “The extent of an interest group’s influence on the policy-making process in a pluralist system often depends on an interest group’s individual characteristics” (pp. 48-49). Overlapping membership can aid in the reconciliation of differences between groups and can lead to cooperation (Howlett & Ramesh, 2003/1995).

There are many criticism of pluralism. If interest groups are too strong, one can question the role of government in policy setting. All groups are not equal, for some groups have more resources and expertise and the size of the groups can vary. As a result, access to power can vary between groups. Another criticism centres on governmental bureaucracy. Various government departments may have different views on the same issue. Those departments which are more powerful, or which are more

pressured, can set the agenda. Howlett & Ramesh (2003/1995) believe there is too much concentration on interest groups in North America.

Corporatism is another system of policy making that focuses on groups. In corporatist theory, there are intermediate strata between individuals and the state. In defining corporatism, Howlett and Ramesh (2003) quoting Shmitter stated:

[A] system of interest intermediation in which the constituent units are organized into a limited number of singular, compulsory, non-competitive, hierarchically ordered and functionally differentiated categories, recognized or licensed (if not created) by the state and granted a deliberate representational monopoly within their respective categories in exchange for observing certain controls on their selection of leaders and articulation of demands and supports. (pp. 42)

“In corporatist systems, fewer interest groups participate in the political process and the ties between interest groups and the government are often institutionalized and quite explicit” (Adolino & Blake, 2001, p. 49). Thus, the groups are neither voluntary, nor competitive, nor autonomous, “for they depend on the state for recognition and support in return for a role in policy making” (Howlett & Ramesh, 1995, p 37). The interaction between the interest group, or groups, and the state determine policy.

There are some criticisms of corporatism. Corporatism looks at the arrangement between the state and the group, or groups, and not at the actions of government. “The theory does little to further our understanding of public policy processes” (Howlett and Ramesh, 1995, p. 37). There is no clear notion of the interest group. The significance of the group in politics is not clear. The theory does not say why some groups are represented and other are not represented (Howlett & Ramesh, 2003/1995).

### **Levels of Policy Analysis**

Policy making falls into a spectrum from the macro level to the micro level.

Thurber (1996) developed a typology for policy making systems. His typology has three categories on the continuum: macro policy systems, policy subsystems, and micro policy systems. Coleman (1985) used the terms macro level analysis, meso level analysis and micro level analysis. Decisions at the macro level are major decision “that may change policies or the power structure surrounding a major policy area” (p. 78). Major policies are a part of this system. The actors at this level are the government leaders and top bureaucrats, the courts, mass media, general public and leaders in broad based interest groups. Highly controversial issues and narrow emotional issues are a part of the macro policy system. The common elements of this system are: “high visibility, extensive news coverage, ‘gangs’ of high level public officials, divisiveness, potential for extended controversy, and salience in the electoral area” (p. 78). Often decisions which can not be resolved at lower levels are brought to the macro level (Thurber, 1996).

Micro level decision making “involves attempts by a relatively hidden elite to influence government policy” (Thurber, 1996, p. 79). There is limited participation. Often the issues are of a technical nature (Thurber, 1996).

The policy subsystem (Thurber, 1996) or meso level (Coleman, 1985) occurs at the sectoral level. Actors in a subsystem have expertise in areas. There is a fair degree of independence in the subsystem. “Subsystems are a form of functional representation... stemming from the division of labor and development of expertise and specialization in society” (Thurber, 1996, p. 83). A policy arena can have several semi-

autonomous subsystems that are arranged around programs. Information should be free flowing amongst the actors. Information sharing is the main method to resolve an issue. Coalitions are built and bargaining and compromising are common. There is a low visibility; thus, “important actors are hidden to the general public and nonsubsystem players” (Thurber, 1996, p. 85).

### **Policy Communities and Policy Networks**

Although the terms are frequently used interchangeably, Wilks and Wright (1987b) distinguish between the terms policy community and policy network. This is a departure from Rhodes. The *policy community* refers to the actors who have common policy concerns. These actors are drawn from the policy universe which “refers to all actors or potential actors with a direct or indirect interest in a policy area or function” (Wilks and Wright, 1987b, p. 299). Policy communities have a policy focus. Wilks and Wright (1987b) stated the “policy community identifies those actors or potential actors drawn from the policy universe and who share a common policy focus” (p. 299).

The *policy network* refers to the interaction of those actors, for a “network is the linking process within a policy community or between two or more policy communities” (Wilks and Wright, 1987b, p. 298). Wilks and Wright categorized policy networks through power-dependence (Coleman & Skogstad, 1990a). Bargaining between the policy communities on issues is linked through networks. A policy network may be formed around specific issues, related issues or around the policy process. The members in the network can be drawn from one policy community or from more than one community (Wilks and Wright, 1987b).

There are several advantages to distinguish between policy community and policy networks. By defining policy community as the “those groups of actors who share a common interest or identity” (Wilks & Wright, 1987b, p. 301), it is easier to distinguish between those actors who have differences at the sectoral level and those who have differences within the sectoral level. Policy communities can thus help to categorize actors at the sectoral level. This also helps to account for the differences and type of policy communities and policy networks. Through policy communities one can identify those actors which are excluded from the policy networks. One policy network does not handle all issues; thus one can “compare membership of networks drawn from the same policy community” (p. 301). The members of a network can be drawn from different policy communities (Wilks & Wright, 1987b).

Rhodes used policy communities to explain policy making (Wilks and Wright, 1987b). Rhodes “defined policy community as a type of policy network” (Wilks and Wright, 1987b, p. 295). Rhodes identified five main elements in the structure of policy networks: (a) membership interest, (b) the actual membership, (c) interdependence of the membership, (d) isolation of the network from other networks, and (e) the dispersion of resources among the networks. These factors can be used to determine the level of integration in the network. Highly integrated networks are characterized by a stable relationship in membership, a restrictive membership, a highly interdependent network and segregation from other networks. Those networks that are weakly integrated have the opposite characteristics. The professional network also influences the degree of integration. Ideology of the membership in the network can also influence policy.

Policy networks are a meso-level concept, which links the micro level to the macro level. The micro level “deals with the role of interests and government in relation to particular policy decisions” while the macro level “is concerned with broader questions concerning the distribution of power within contemporary society” (Rhodes & Marsh, 1992, p. 1). Policy networks are a form of interest group intermediation between government and interest groups. Policy network analysis differs from pluralism and corporatism, for

The policy network approach emphasizes the need to disaggregate policy analysis and stresses that relationships between groups and governments vary across policy areas. At the same time it recognizes that in most policy areas a limited number of interests are involved in the policy making process and suggests that many fields are characterized by continuity...in terms of groups involved in policy making (Rhodes & Marsh, 1992, p. 4)

Rhodes differentiated between five different types of policy networks. These are summarized in table 2. In pluralist networks, the state and the interests are weak. Pal (1992) identifies two types of pluralist networks. In pressure pluralism, the state has some autonomy while it is confronted by a variety of interest groups. These interest groups are uncoordinated. In clientele pluralism, the state agencies become more dispersed and come to rely on the interest groups and allow them to participate in “the policy process” (p. 111). The state actors and interest groups are strong in the corporatist networks. They work together in the policy process. Concertation networks occur when there is a strong state and a single strong interest group. In state directed networks, the state agency is strong while the interest groups are weak. The state dominates the policy.

Table 2: Policy Community and Policy Network: the Rhodes Model

Type of Network	Characteristics of network
Policy community/territorial community	Stability, highly restricted membership, vertical interdependence, limited horizontal articulation
Professional network	Stability, highly restricted membership, Vertical interdependence, limited horizontal articulation, serves interests of profession
Intergovernmental network	Limited membership, limited vertical interdependence, extensive horizontal articulation
Producer network	Fluctuating membership, limited vertical interdependence, serves interests of producer
Issue network	Unstable, large number of members, limited vertical interdependence
Rhodes & Marsh, 1992, p. 14	

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However, not all of the actors are necessarily present in all policy communities. Much public policy is made sectorally and not nationally. Much of the debate occurs within the policy community. It is “within the confines of the policy community [that] the dynamics of agenda-setting and problem definition...usually take place” (Pal 1992, p. 110). Policy networks can be used with different theories of the state (Marsh & Rhodes, 1992).

There is also a need to examine the relationships among the policy actors that exist within the policy community. The main variables in this relationship are “the degree of autonomy and concentration of power among state agencies, and the degree of concentration or coordination of interests on the societal side” (Pal, 1992, p. 111). As illustrated in table 3, the following networks result: (a) pluralist networks, (b) corporatist networks, (c) concertation networks, and (d) state directed networks. In pluralist networks, the state and the interests are weak. Pal (1992) identifies two type of pluralist networks. In pressure pluralism, the state has some autonomy while it is confronted by a variety of interest groups. These interest groups are uncoordinated. In clientele pluralism, the state agencies become more dispersed and come to rely on the interest groups and allow them to participate in “the policy process” (p. 111). The state actors and interest groups are strong in the corporatist networks. They work together in the policy process. Concertation networks occur when there is a strong state and a single strong interest group. In state directed networks, the state agency is strong while the interest groups are weak. The state dominates the policy.



Table 3: Different Types of Policy Networks

Type	Characteristics
Pressure Pluralist Network	State agency is autonomous, associational system is dispersed and weak. Many groups compete for state agency's attention. Groups advocate policies rather than participate in policy-making.
Clientele Pluralist Network	State agencies are both weak and dispersed, as are associational systems. Agencies rely on associations for information and support, allow them to participate in policy-making
Corporatist Network	State agency is strong and autonomous; associational system comprises a few large and powerful groups, usually representing consumer and producer interests. Groups and agency both participate in policy formulation and implementation.
Concertation Network	State agency is strong and autonomous; associational system is dominated by one organization that represents it. Agency and organization are equal partners in long-term planning and policy-making.
State-Directed Network	State agency is strong and autonomous; associational system is weak and dispersed. State dominates policy sector and associational system.

(Pal, 1992, p. 112)

Specialized groups can have a strong influence in decision making.

Pross (1992) used the terms policy communities and policy networks to describe these groups. Pross (1992) stated that a "policy community is that part of a political system that has acquired a dominant voice in determining government decisions in a field of

public policy” (p. 119). Government agencies, the media, pressure groups, and other individuals who are interested in the policy area form the policy community. A policy network is formed by the actors who share an interest in a policy issue. (Pross, 1992)

Pross (1992) distinguished between policy communities and policy networks. The policy community is drawn together through a policy field while the network is activated by the policies and the issues. Pross (1992) wrote “the chief distinction between a network and a policy community lies in the fact that the community exists because a policy field exists, whereas a network exists because those in it share an approach to policy” (p. 119). Although members in a community share a common interest in a policy field, they can disagree in their approach to the issue. Policy communities can divide into various networks based on the approach to the policy issue. Networks are open-ended and people can come and go. This can affect the resolution of a policy issue.

There are two components to the policy community: the sub-government and the attentive public. The sub-government is smaller and more institutionalized with the minister and senior bureaucrats. The attentive public is less clearly defined and can be less cohesive. Special interests, interest groups and individuals make up the majority of the attentive public.

There is diversity in “state-society relations” (Coleman and Skogstad, 1990a, p. 25) at both the macro and meso or sectoral level. Policy communities and policy networks are two concepts to help to better understand the diversity at the meso level. Coleman and Skokstad (1990a) “define[d] a policy community to include all actors or potential actors with a direct or indirect interest in a policy area or function who share a

common ‘policy focus,’ and who, with varying degrees of influence shape policy outcomes over the long run” ( p. 25). Following Pross, Coleman and Skogstad (1990a, 1990b) identified two components to the policy community: the sub-government and the attentive public. While the sub-government makes policy, the attentive public may “influence policy but does not participate in policy making on a regular basis” (Coleman & Skogstad, 1990a, p. 26).

Policy networks describe the relationships that exist among the actors in a policy community. Rather than characterize networks through power-dependence, Coleman and Skogstad (1990a) categorize them through structure. They examine the structural properties of the state. Table 4 illustrates six policy networks based on structure in three categories.

Table 4: Groupings of Policy Networks

<b>Pluralist</b>	<b>Closed</b>	<b>State-Directed</b>
pressure pluralism	corporatism	state-directed
clientele pluralism	concertation	
parentela pluralism		

Coleman & Skogstad (1990), p. 27

In the pluralist network, the state is fragmented or weak for the “organized interests are at a low level of organizational development” (Coleman & Skogstad, 1990a, p. 27). In pressure pluralism, the interest groups have a policy advocacy role; in clientele pluralism “state officials are unable to differentiate themselves from organized interests” (Coleman & Skogstad, 1990a, p. 27), and; in parentela pluralism organized interests have a dominant position in political parties. In pluralist networks, the

associational systems of the groups are weak (Coleman & Skogstad, 1990a). Pluralism occurs more often when policies are of a distributive nature (Coleman & Skogstad 1990b).

The two closed networks are corporatist networks and concertation. Both the interest groups and the state are strong. In corporatist networks, two or more interest groups represent the policy community and work with the state to develop policy. In concertation there is a single interest group that works with the state to develop policy. Concertation “appear[s] to be more likely when regulatory policy instruments are the preferred means of state action” (Coleman & Skogstad, 1990b, p. 318).

In state directed networks, the state is strong and the interest groups are weak. Policy making is dominated by state officials who can impose their policies on others.

Adolino and Blake (2001, p. 16) summarized policy networks in the following manner: “A policy network can be thought of as a map detailing different actors who normally participate actively in a given policy area, and, in particular, the nature of the relationship between government and nongovernment participants.”

### **Conceptual Framework**

Since “the policy process is complicated” (Ripley, 1985, p. 31), there is a need to simplify it. The process of simplification that social scientists use is a model. Hogwood (1984) referring to Allison (1971) said that a model is a “conceptual lens” (p. 42) through which one analyzes a problem. Dye (1987) described a model as “a simplified representation of some aspect of the real world. According to Hogwood (1984), one “needs to see some sort of pattern in the world around [them] and tend[s] to interpret events in terms of that perceived pattern” (p. 42). The purpose of a model is

thus “to render what is incredibly complex and idiosyncratic in any individual case into a set of relationships that are both simpler and more recurrent” (Ripley, 1985, p. 31).

Models are devised by man and as such “models are not neutral” (Ripley, 1985, p. 32), for factors that are included in a model “may be shaped...by ideology or any of a thousand other influences over the mind of the person constructing the model” (Ripley, 1985, p. 32). The main utility of a model is to simplify a complex situation so it can be better understood. The essential elements and scale of the model must be considered. Models are limited when they make things too orderly, when the chronology is only rough and the boundaries are blurred (Ripley, 1985), for “the dividing lines between various activities are artificial and policy makers are unlikely to perform them consciously or in any implied logical order” (Hogwood, 1984, p. 4).

According to Hogwood (1984) there are descriptive models, prescriptive models and ideal models. Descriptive models describe complex social phenomena. Prescriptive models “raise questions of what ought to be rather than what is” (Hogwood, 1984, p. 43). Ideal models are mental models that explore entities that “nowhere exist in real life, but which can help us to understand and explain real phenomena and to formulate or refine statements of what is desired” (Hogwood, 1984, p. 43).

Conceptual models are used in policy studies. These models try to:

1. simplify and clarify our thinking about politics and public policy;
  2. identify important aspects of policy problems;
  3. help us to communicate with each other by focusing on essential features of political life;
  4. direct our efforts to better understand public policy by suggesting what is important ; and
  5. suggest explanations for public policy and predict its consequences
- (Dye, 1987, p. 20).

The conceptual model used in this study is policy communities and policy networks. This conceptual model will be applied to the policy issue of the establishment and implementation of the nominal roll process in the Saskatchewan Region. The source of the initiatives will be analyzed as to whether they are government initiatives or come from non-government agencies. The development and changes in the policy will be filtered through the various stages and levels. This will identify the streams that led to revised policy. Figure 3 illustrates the conceptual framework that will be used in this study.

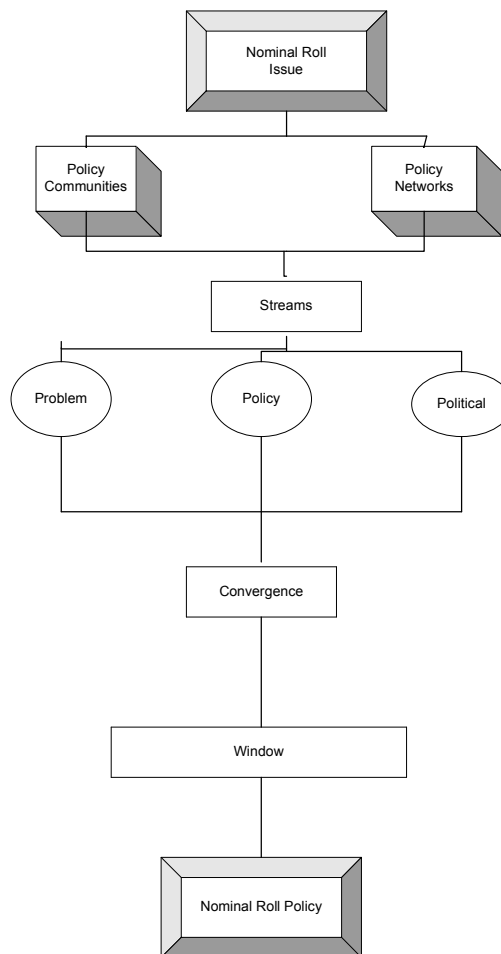


Figure 3: Policy Communities and Policy Networks in Agenda Setting

The issue of this study is nominal roll. There are various policy communities that have an interest in the nominal roll and that attempt to influence the nominal roll policy and the regulations that affect the nominal roll implementation. The policy communities interact in policy networks. Both the policy communities and the policy networks are at work in the various streams. This study will identify the various communities in each of the streams and the networks of the communities in each of the streams. The streams converge in the formulation of a policy and the policy, or revised policy, is developed when the appropriate window of opportunity is opened.

### **Summary**

Governments use public policies to distribute resources according to the values of society. Policies are set by government choice; governments can consciously choose to do something or not to do something. The process through which an issue receives government attention is agenda setting. If an issue is not placed on the government's agenda, it will not receive official attention. Interest groups try to influence government policy. Pluralism and corporatism are two of the more common relationships that exist between the government and interest groups. Policy decisions and implementation take place at the macro, meso (sectoral) and micro levels. Policy communities and policy networks affect the policies that are developed and implemented. The two main areas of policy communities are the sub government and the attentive public. Policy networks are the relationships that exist between the various actors in the policy process.

## **CHAPTER THREE**

### **CONTEXT**

Canada has a federal system of government with two major levels to the government – the federal and the provincial. The British North America Act 1867 specified the powers of the federal and provincial governments. “The Canadian constitution concentrated the power with the cabinet, which is the prism through which all important policy decisions must pass and which generally is able to control the legislative agenda” (Brooks and Miljan 2003, p. 62). The cabinet can determine the policy agenda. The government of Canada has the ultimate authority to pass legislation in those areas that are assigned to it according to the British North America Act 1867. Policy is thus within the purview of the federal government in those areas to which it has authority. Many of the federal government departments serve client groups and this relationship “is one of representation and social control” (Wotherspoon and Satyzewich 2000, p. 36). The Canadian Constitution, the Treaties and federal legislation provide the context for federal administration of Indians and lands reserved for Indians.

### **Legal Status**

#### ***Royal Proclamation 1763***

The Royal Proclamation 1763 consolidated British policy on Indian people into law. The Royal Proclamation was designed to protect the “the Indians from European encroachment in the use of their lands” (Tobias, 1983, p. 40). It was only the crown



that could make “treaties to take surrender of Indian title to Indian land” (Tobias, 1983, p. 40). The Royal Proclamation 1763 stated:

We do, with the Advice of our Privy Council strictly enjoy and require, that no private Person do presume to make any purchase from the said Indians of any Lands reserved to the said Indians...but that if at any Time any of the said Indians should be inclined to dispose of the said Lands, the same shall be purchased only for Us, in our Name. (Smith, 1975, p 3)

This clearly established the responsibility of the crown for the Indian people of Canada.

The Royal Proclamation 1763 was the basis for future British policy for Indian people and was the basis for the Indian policy of the government of Canada.

### ***British North American Act 1867***

The British North America Act 1867 outlined that the federal government is responsible for Indian people in Canada. Section 91 (Legislative Authority of Parliament of Canada) stated: “it is hereby declared that ...the exclusive Legislative Authority of the Parliament of Canada extends to all Matters coming within the Classes of Subjects next hereinafter enumerated: that is to say,” subsection 24 “Indians and the lands reserved for Indians” (Department of Justice, 2001, pp. 28, 30). The responsibility for Indians is under the federal domain and not the provincial. The federal government thus assumed the responsibility for Indian people from the British government and from the provinces of Canada (Upper and Lower Canada). The British North America Act “mandated paternalism” (Nicholas 2001, p12).

### ***Treaties***

The Treaties that were negotiated and signed between the British Crown, later the government of Canada, and the various First Nations made specific reference to education. Saskatchewan was covered by several numbered treaties. These treaties

made reference to education. Treaty Number 4 stated “Her majesty agrees to maintain a school in the reserve allotted to each band as soon as they settle on said reserve and are prepared for a teacher” (Morris, 1991/1880, p. 333). Both Treaty Number 5 and Treaty Number 6 stated “Her Majesty agrees to maintain schools for instruction in such reserves hereby made as to Her Government of the Dominion of Canada may seem advisable, whenever the Indians of the reserves shall desire it (Morris, 1991/1880, p. 345-346, p. 353).” Treaty Number 8 stated “Her Majesty agrees to pay the salaries of such teachers to instruct the children of said Indians as to Her Majesty’s Government of Canada may seem advisable” (Laird, 1899, p. 3). Treaty Number 10 stated “His Majesty agrees to make such provision as may from time to time be deemed advisable for the education of Indian children” (McKenna, 1906, p. 11). These Treaties clearly indicated that the federal government assumed responsibility for the education of First Nations students.

### ***Indian Act***

The Indian Act 1876, amended from time to time, made reference to education; however, section 4 subsection 3 limited federal government obligation to the education of students who normally reside on-reserve. Section 4 subsection 3 stated: “Sections 114 to 122 [education] ...do not apply to or in respect of any Indian who does not ordinarily reside on a reserve or on lands belonging to Her Majesty in right of Canada or a province” (Indian Act 1985). However, there is no clear definition of the term “ordinarily reside on a reserve”. INAC used this clause to exclude any responsibility for the K4 to secondary education of Indians who live off-reserve.

According to the Indian Act the Minister of Indian Affairs can enter into agreements with the provinces, territories or religious organizations to provide for the education of Indian students who “ordinarily reside on a reserve.” Section 114 (1) stated:

The Governor in Council may authorize the Minister, in accordance with this Act [Indian Act, 1985], to enter into agreements on behalf of her majesty for the education in accordance with this Act of Indian children, with

- (a) the government of a province;
- (b) the Commissioner of the Yukon Territory;
- (c) the Commissioner of the Northwest Territories;
- (c1) the Commissioner of Nunavut;
- (d) a public or separate school board; and
- (e) a religious or charitable organization. (Indian Act 1985)

This section made no provision for the establishment and operation of band operated or band controlled schools. In addition to the above possible agreements, there was provision for INAC to operate schools. Section 114, subsection 2 stated: “The Minister may, in accordance with this Act, establish, operate and maintain schools for Indian children.” Thus, the current band operated schools are in actuality INAC controlled and band managed.

The Indian Act gives all power to the federal government. The First Nations have no right to participate in the operation of their schools. Friere (2002) refers to this type of arrangement as the oppressors and the oppressed. As the oppressors, the federal government has absolute control over the oppressed, the Indian people of Canada.

### ***The Canadian Charter of Rights and Freedoms***

The rights of First Nations are also entrenched in the Canadian Charter of Rights and Freedoms (1982). Section 25 stated “Aboriginal rights and freedoms not affected by the Charter – The guarantee in this Charter of certain rights and freedoms shall not

be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:

- (a) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and,
- (b) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claim settlement (Department of Justice, 2001, pp. 67-68).

Section 35 recognized the existing treaty and Aboriginal rights, for section 35, subsection 1 stated: “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed” (Department of Justice, 2001, p. 70). The Charter of Rights and Freedoms 1982 entrenched treaty rights into the Canadian constitution.

The colonial governments and the Canadian government established legal precedents for the colonization of Indian people. The Royal Proclamation 1763 established “protection” as an essential component of the process of colonization and the sale of Indian land was to come under the auspices of the British Crown. After the Indian people were no longer needed as allies against the French and the Americans, the British changed their colonial practice from protection to civilization. Under the Canadian Constitution, paternalism increased and the process of forced assimilation became the dominant policy that was enforced by the Indian Act 1876 and its amendments from time to time. The legal context of Indian Affairs supports the continued colonization of First Nations people, which is an extension of Western Europeans. The educational system was the main vehicle to implement the policies of colonisation.

## **A Review of First Nations Education**

The Government of Canada has a fiduciary responsibility for the First Nations People in Canada. This responsibility is outlined through Treaty, the Constitution and Statute. Since the time of the French occupancy of Canada to the present date, the various governments have exercised jurisdiction over education for First Nations People. A brief review of the history of First Nations education will show that education policies have historically been in place and the government has acted upon them.

### ***Traditional Education***

Traditional Indian education existed in the pre-contact era. The classroom was the community. The community members had the responsibility "to ensure that each child learned how to live a good life" (Kirkness, 1999, p. 15). The spiritual component was a very important part of these teachings, for the total being, the whole child, was addressed in traditional education. The child could explore his whole world and could seek knowledge and understanding through experience. There was little restraint on the child (Grey Wolf, 2000).

Life-long education was an important component of traditional education. Education was woven into the fabric of the "social and political structures of Indian communities" (Ross, 2000, p. 200). Knowledge was transmitted orally from one generation to the next. Education was an education for survival (Chief Michel, personal communication, May 23, 2003).

### ***Government Policies***

Several writers (Battiste, 2000; Hampton, 1995) identified the education system – through the content and process of schooling as well as the ways in which the education systems were organized and governed – as a central force in the continuing colonization and assimilation of First Nations. Frequently, neither the curricula nor the structure of the school program accounted for Aboriginal world view. Government policies were assimilationist and tried to destabilize the communities and the culture of the First Nations people (Schissel & Wotherspoon, 2003).

There was a clash in world views between the First Nations and the Europeans. Peat (2002, p. 39) wrote “all of us see the world through the spectacles of our world views, through our particular ways of seeing and thinking about reality and society.” The world view of the First Nations was not understood and the First Nations were viewed as less civilized than the Europeans. The education system was one means to change the world view of the First Nations. Peat (2000) noted that “the visitors to the New World administered strict doses of religion and education, and when this failed, attempted the more drastic curative measures of extermination, termination, and assimilation” (p. 40).

### ***French and British Times***

From the time of colonization, the purpose of education was to assimilate and civilize the First Nations children into the western society. The best way to civilize the children was to remove them from the influence of their parents, their extended family and their environment. Thus, from the time of French and English contact, the children were removed from their parents and placed in a residential type setting. At the time of

contact there were many different Indian languages and cultures flourishing in North America. Although there were many differences, there were also similarities such that "the communities tended to be kinship oriented, united by residence and constant person-to-person interaction and by common understanding of their uniqueness as separate people" (Fuchs & Havighurst, 1972, p. 2).

The earliest missionaries to the Americas, the Roman Catholic priests, introduced formal education and western schooling to the First Nations people. The goal of the missionaries was to teach Christianity and to spread the French culture, for Louis XIV ordered that the Indian children were to be educated in the traditions and manners of the French. The missionaries, first the Recollects and then the Jesuits, removed the children from their homes, their families and their tribes. The educational system was structured on the French tradition with an emphasis on the French language and culture, traditional academic subjects and practical subjects such as singing, carpentry, agriculture, and handicrafts (Fuchs & Hanvighurst, 1972; Jaenen, 1986). Fuchs and Havighurst (1972) observed that "Significantly, the school was established as an agent for spreading Christianity and the transmittal of western culture and civilization. No consistent attempts to incorporate Indian languages, culture, or history were made in the curriculum offered. The issues raised by the white man's efforts to extend the benefits of his educational tradition to the peoples of the New World were clearly defined at an early date - and still endure" (p. 3). The curriculum was not relevant to the civilization, culture or world view of the First Nation students.

The colonizers brought with them their attitude of capitalism. This economic system was foreign to the First Nations people. This economic paradigm influenced the

government's actions and policies in regard to the education of First Nations children. According to Beck, Walters, and Francisco (1992) "the general view of education mirrored the attitudes towards native cultures and ways of life. From the beginning the basic feeling was that native cultures were inferior and The People should be brought into contact with European cultural values and ultimately live by them" (p. 146).

Children and youth, aged three to eighteen years of age, were sent to boarding schools where they were disciplined in a new way and where they could not speak their language. "This discipline was not for survival in the natural environment. It was one that would enable children and succeeding generations to step more easily into the new mold being created for them by the government and various missionary groups. In terms of the cultural attitudes examined... these schools were designed to break the spirit of the people" (Beck, Walters, & Francisco, 1992, p. 150). Through its educational and assimilationist policies, the government sought to destroy the indigenous teachings and the sacred practices.

The period of colonial domination can be divided in two parts: the French and the English. Both of these segments sought to civilize and to "Christianize the Indian" in the language and culture of the French or of the English. At first, day schools, or mission schools, were established and were later replaced with residential schools. Many of the Indian leaders saw the need for an education as a means to obtain the necessary skills to survive in the changing world. Their objectives, however, were different from those of the church and the government. The objectives of the government was to assimilate the Indians and to teach them the skills of agriculture, while the church wanted to teach the Indians to read and write in a European language



which was essential for conversion to Christianity. While the Indians recognized that the new knowledge was essential, they did not want the assimilation that accompanied it (Miller, 2001). Day schools were replaced by residential schools, for the way to civilize the Indian was to remove the child from the natural setting and from the parental and family influence and the child's culture.

### ***Residential Schools***

The educational policy pursued by the government was one of assimilation (Milloy 1999), for the government wanted to "limit, reduce, and ultimately eliminate the federal government's financial obligations to Native society" (Miller, 2004b, p. 197). When it was determined that the day schools were not working, they were replaced by residential schools. The residential schools were a violation of the Treaties which stated that schools would be built on reserves (Miller, 2004a). Milloy (1999) wrote:

In the education of the young boy lay the most potent power to effect cultural change – a power to be channelled through schools and, in particular, through residential schools (p. 3)

The residential schools were supported by the federal government and administered by the churches. Willinsky (1998) wrote that "colonial education began as missionary work" and "the most 'effective' educational instrument used by the church on colonial populations was the residential school" (p. 94).

The culture of the residential schools was colonial. The curriculum was European based and the teachers were generally of poor quality (Miller, 1996; Schissel & Wotherspoon, 2003). "The purpose of the schools was to destroy a culture for which the authorities had no understanding or respect" (Mallea, 2000, p. 25), thus removing

the Indianness from the Indian (Miller 2004b). Children were not allowed to practice any of their spiritual beliefs. Speaking a native language was forbidden and was subject to strict punishment. Initially, half a day was devoted to academics, with the other half of the day being devoted to work in order to maintain the self-sufficiency of the school. Friere (2002) referred to this system of teaching as banking, where deposits of information were made into the minds of the child.

The residential school day was divided into two segments – half a day of academics and half a day of work – work designed to teach European skills and work designed to keep the residences operable. "The boys were expected to clean stables, attend to the livestock, mend broken machinery, and work in the fields. The girls had to attend to the upkeep of the school, washing and mending clothes, doing kitchen chores, scrubbing floors and doing other domestic duties" (Kirkness, 1999, p. 15).

The residential school system had a devastating impact on family structure and other negative side effects. There was a high mortality rate. There were many instances of sexual and physical abuse (Schisel & Wotherspoon, 2003). Many people developed a distrust of the system. The effects of the government policy of residential schools is still being felt today: many of the families are dysfunctional, there are high rates of alcoholism and low feelings of self esteem; many parents still do not trust the school, even in a band managed system - there are too many unpleasant feelings (Barman, 1986; Coates, K., 1986; Persson, D., 1986). This was a period of a wilful attack on the culture of the Indian students and their parents (Nicholas 2001).

### ***Integration***

The post war era, 1940s to the 1970s, witnessed an era of integration. Residential schools were being closed because they failed to assimilate the Indian students; the government moved to integration as a means of assimilation.. Kirkness (1999) wrote "By the 1970s, the government of Canada had succeeded in making provisions for approximately 60% of Indian students in public schools" (p. 16). There was little or no consultation with the First Nations when the federal government pushed the agenda on integration. INAC negotiated provincial tuition agreements and capital agreements with various provincial education authorities. Integration was mainly on physical grounds rather than in terms of programming or curriculum. This period showed a continuation of internal colonialism.

### **Overview of Canada's Indian Policy**

"Schools and schooling have been at the heart of the relations between the Indigenous nations of Canada and settlers for centuries. Public policy in the field of education expresses, usually quite directly, the changes in the relationship between Aboriginal and non-Aboriginal peoples" (Abele, Dittburner & Graham, 2000, p. 3). Three goals of the Indian policy of Canada have been "protection, civilization, and assimilation" (Tobias, 1983, p. 1). The principles of Canada's policy pre-date Confederation and stem from former British authority. In order to maintain Indians as allies in Canada, the British sought to protect them from European encroachment. Indian superintendents were made responsible for this as well as to maintain the Indians as allies. These policies were formally incorporated into the Royal Proclamation of 1763 (Tobias, 1983).

After 1815, the British Crown “adopted a policy of civilizing” (Tobias, 1983, p. 40). Protestant sects established missions that were similar to those already established by the Catholics. “Such missions were intended not only to teach the Indian a new religion, but also to encourage him to adopt European or American values” (Tobias, 1983, p. 41). These efforts in civilizing manifested themselves in the establishment of reserves in isolated areas. “The reserve system, which was to be the keystone of Canada’s Indian policy, was conceived as a social laboratory, where the Indian could be prepared for coping with the European” (Tobias, 1983, p. 41). Indian lands were held in trust by the crown.

The federal government evaluated this program and found to be wanting. It was determined that the isolation of the reserves contributed to a lack of progress. Thus, a change was instituted in the location of the reserve. This change resulted in a change in British Indian policy. The policy changed from civilizing to assimilation. Education was one of the means to accomplish this policy objective (Tobias, 1983). Prior to Confederation, the short term goal of the Indian policy was protection; the intermediate goal was civilization, and the long term goal was assimilation (Tobias, 1983).

The goals of civilization and assimilation were formally added to Canada’s policy on Indians with the passage of the Act for the Gradual Enfranchisement of Indians in 1869. This Act clearly promoted enfranchisement which would lead to the rights of “citizenship”; however, it would also lead to the extinguishment of their special rights due to their status as Indians. Education was the means to accomplish the objectives of this Act, for through education the Indians would become trained in European ways. Federal control of the Indians was extended during the 1870s with the

introduction of the Indian Act 1876. This Act laid the foundation for future Indian policy. Enfranchisement and education were emphasized (Tobias, 1983).

The traditional way of life of the western Indians was seen as a threat to the Indian becoming more settled and pursuing farming. The traditional way of life interfered with schooling for school attendance was suffering. This bothered the government “for education of the Indian child was a keystone of the civilizing process the reserve system was to perform” (Tobias, 1983, p. 48). An amendment to the Indian Act in 1894 allowed “the governor-in-council to make whatever regulations on the school question he thought necessary, empowering him to commit children to the boarding and industrial schools founded by the government” (Tobias, 1983, p. 48).

### **Stages in INAC Policy Discourse**

Modern policy discourse in INAC education policy has continued the practices of colonialism “as the primary ideology underlying the education of Indigenous Peoples in Canada” (Nicholas 2001, p. 10). There are four modern phases of educational policy discourse. These are: (1) the release of the Hawthorn Report until 1982; (2) 1982 to 1988, (3) 1988 to the establishment of the Royal Commission on Aboriginal People (RCAP) (Abel, Ditburner and Graham 2000), and (4) post RCAP.

#### ***Phase One: Hawthorn Report to 1982***

In the 1960s the Department of Citizenship and Immigration controlled the First Nations people in Canada. In 1964 the Minister commissioned a study to understand the difficulties faced by the Indian people of Canada. The result was the Hawthorn Report which was published in two volumes; volume 1 was released in 1966 and volume 2 was released in 1967. The Hawthorn Report cited the low level of

achievement among First Nations students. The main recommendations of the report centred on integration of the students in the provincial school systems. “The principle of integrated education for all Canadian children is recommended without basic question” (Hawthorn Report, volume 2). Parental consultation was to take place in this process. There was also to be consultation with the non-Indian parents. “The integration of Indian children into the public school system should proceed with due concern for all involved and after the full cooperation of local Indians and non-Indians has been secured” (p. 12).

Hawthorn recommended the establishment, or the continuation, of joint agreements with public school boards except “where Provincial schools are inferior or where community attitudes are unfavourable for Indian students” (Hawthorn Report volume 2, p. 14). Where provincial law allows, it was recommended that formal agreements be established to permit Indian representatives to sit on the school board. If provincial law does not allow this, then there should be informal representation. When integration is complete it is recommended that no further day schools on the reserves should be constructed.

The Hawthorn Report increased the awareness of the public to First Nations. The 1969 Statement of the Government of Canada on Indian Policy [White Paper 1969], proposed to change the relationship between the federal government and the First Nations. It proposed to transfer the responsibility of the First Nations to the provinces. In making this recommendation, the federal government was promoting the integration of First Nations students into the provincial education system. Without involving the First Nations, the federal government signed tuition agreements with

school divisions to provide for the education of First Nations students. The provincial schools needed extra space to accommodate the First Nations students and as a result, the Federal Government negotiated capital agreements with the provinces that obliged the Federal Government to contribute to the construction of provincial schools.

“Therefore, Indian First Nations saw the White Paper as the final step in the federal government’s desire to transfer jurisdiction over Indian education (among other things) to provincial governments” (Abele, Dittburner & Graham, 2000, p. 5).

The *Statement of the Government of Canada on Indian Policy, 1969* clearly supports the above conclusion of the First Nations. The policy “proposes to the government of the provinces that they take over the same responsibility for Indians that they have for other citizens in their provinces” (p. 6). There would be an initial transfer of funds; however, these would eventually be phased out. The provision of separate services to First Nations people would end.

Various Indian organizations at both the provincial and national level pressed the federal government on the issue of education. *Citizen’s Plus*, 1970, *Wahbung Our Tomorrow*, 1971 and *Indian Control of Indian Education* 1972 are three important documents that emphasized the importance of education and defined Indian control as control belonging to the bands, not in terms of bands operating the schools for the federal government. The responsibility for education was to be federally funded, but locally controlled (Abele, Dittburner & Graham, 2000). Abele, Dittburner and Graham (2000) wrote that the period following the Hawthorn Report showed the “first signs of the federal government moving away from an assimilationist paradigm” (p. 10).

### ***Phase Two: 1982 to 1988***

There were two major events in the period 1982 to 1988. Canada repatriated its constitution and the Charter of Rights and Freedoms was adopted. This was significant for First Nations People for inherent and treaty rights were recognized through the Charter of Rights and Freedoms. The documents of this period, which are mainly provincial, called for more partnerships in education; however, they did not call for First Nations control of education. (Abele, Dittburner & Graham, 2000).

The period 1988 to 1992 saw the advancement of Indian control of Indian education tied to self-government. In 1988, the Assembly of First Nation issued its report *Tradition and Education: Towards a Vision of the Future*. The report stated:

Education is one of the most important issues in the struggle for self-government and must contribute towards the objectives of self-government. First Nations' governments have the right to exercise their authority in all areas of First Nations Education. Until First Nations' education institutions are recognized and controlled by First Nations' governments, no real First Nations' education exists. (p. 47)

There is an important link between self-government and education (Abele, Dittburner & Graham, 2000). This link was further developed by Burns (2001) and Calliou (2001). Through Treaty obligations, the federal government is responsible for resourcing First Nations' education. The state, however, "dominates and controls education funding" (Burns 2001, p. 61) in order to maintain its power. This control inhibits "meaningful...control and jurisdiction of education and by implication meaningful self government" (Burns, 2001, p. 62). The federal government needs to work more "closely with First Nations to consider a resourcing system which will be more in line with First Nations jurisdiction over education" (Assembly of First Nations 1988b, pp. 18-19).



***Phase Three: The Royal Commission on Aboriginal People***

The Royal Commission on Aboriginal People (1996) reiterated the findings of previous studies in First Nations education. The issues raised in the hearings and in the briefs presented to the Royal Commission on Aboriginal People were not new. Although there has been progress in these areas, the progress is slow. The Commission made the following observations:

1. Federal policy has been moving in the right direction since 1972, but federal authorities have failed to take the decisive steps necessary to restore full control of education to Aboriginal people.
2. Nearly 70 per cent of Aboriginal education has been in the hands of provincial or territorial authorities, with few mechanisms of accountability to Aboriginal people and involvement of parents.
3. Aboriginal people have been restricted in their efforts to implement curricula that would transmit their linguistic and cultural heritage to the next generation.
4. Financial resources to reverse the impact of past policies have been inadequate. (Royal Commission on Aboriginal People 1996, p. 11)

According to the Commission, there is a need for change. For this change to occur First Nations people need to have the authority to organize education for their children and to influence the direction of education for their children. The governance of education is tied to the issue of self-government. In band operated schools, constraints imposed by INAC hamper changes in education. Although changes are being made, they are slow and incremental. Under INAC regulations, schools must follow the provincial curriculum and provincial legislation in terms of teacher certification and the school year.

***Phase Four: Post RCAP to 2005***

The *Auditor General's Report of April 2000* is critical of First Nations' education. The report raised three main points: (1) "INAC can not show that it is

meeting its objectives in the education of on-reserve students; (2) In order to carry out its obligations and responsibility in education, “the Department needs to...articulate its role in education, to develop and use appropriate measures and to improve operational performance” (p.4-5) and (3) there is a sense of urgency, for “the situation is complex and urgent, and the urgency will increase as more demands are placed on education” (p. 4-5).

The enrolment rates of on-reserve First Nations students have been relatively constant from 1985 to 1996. In 1985/86 the enrolment rate was 80.0%. This increased to 81.6% in 1995-1996. The highest rate in this period was 82.9% in 1994/95 while the lowest rate was 79.4% in 1986/87 (DIAND 1997 p. 33). These figures are based on the audited nominal roll numbers and do not include students who were attending but who were removed from the nominal roll for funding purposes. In one Saskatchewan First Nation, the percent of students removed from the nominal roll was 4.5% (Report to Chief and Council 2003).

The Department of Indian Affairs and Northern Development is responsible for funding the education of on-reserve students. There are various types of funding arrangements that INAC has for the education of First Nations students who reside on reserve. These include:

1. tuition agreements between First Nations and provincial education authorities
2. tuition or funding agreements between the Department and provincial funding authorities
3. master tuition agreements between the Department and provincial ministries of education
4. tripartite education agreements between the Department, First Nations and provincial authorities; and
5. funding arrangements between the Department and First Nations (Auditor General, 2000, p. 4-9)

The Auditor General concluded that the Department must clarify and articulate its role in First Nations education. The reduction in the education gap between First Nations and other Canadian students is a challenge. Although the rate of high school completion has increased from 1991-1996, “it will take approximately 23 years for the Indian population on reserves to reach education parity with the overall Canadian rate for high school completion, if that rate remains constant” (Report of the Auditor General, 2000, p. 4-13).

The report of the *Minister’s Task Force on Education* was released in February 2003. The report identifies a vision for First Nation’s education. Education is

to prepare them [Aboriginal children] to participate fully in the economic life of their communities and in Canadian society....education must develop children and youth as Aboriginal citizens, linguistically and culturally competent to assume the responsibilities of their nations. Youth that emerge from school must be grounded in a strong, positive Aboriginal identity. Consistent with Aboriginal traditions, education must develop the whole child, intellectually, spiritually, emotionally and physically. (p. 4) [quoted from Royal Commission on Aboriginal Peoples. Volume 3 – Gathering Strength, pp. 433-434]

“First Nations citizens should be nurtured, developed and educated in a structured and safe educational environment” (Task Force, 2002, p. 1). The importance of education is stressed. Education is linked to the health and vitality of a nation. Nations, which are “healthy and sustainable” (Task Force ,p. 2), need education programs of quality.

However,

First Nations education is in a crisis...there is no education system, no education accountability, no goals or objectives, and First Nations parents, elders, and education leaders lack the authority and the means to remedy the crisis as administered by the federal and provincial and territorial governments. (p.2)

The Report reiterated the gap between First Nations and non-First Nation students that was identified in the Auditor General’s Report. The Minister’s National Working

Group on Education suggested options “to foster excellence in First Nations” (Task Force , p.4). These options include a First Nations education system and regional education bodies. The report does not specify what these education bodies will look like. Recommendation 27 stated that “First Nations working with INAC and the provinces and territories create appropriate mechanisms for the development of a quality education system for First Nations students in provincial and territorial schools” (Task Force ,p. 36).

These findings were reiterated by the *Auditor General’s Report November 2004*. First Nation students are falling farther behind. The Auditor General’s Report 2000 stated that at the current rate of progress it would take First Nations students 23 years to catch up to their non-First Nations counterparts. The Auditor Generals Report of November 2004 indicated this was a mistake for the students were actually 27 years behind in 2000. This had increased to 28 years by 2004 (Auditor General’s Report 2004).

### **Summary**

The government of Canada has a legal responsibility for First Nations People and federal legislation delineates all power to Indian and Northern Affairs Canada. This system had two camps – the oppressed and the oppressors (Freire, 2002). The government imposed an educational system that attempted to civilize, assimilate, and integrate the First Nations children into the Euro-Canadian society of the time. Traditional education was community based and unrestrained (Grey Wolf 2000; Kirkness, 1999; Ross, 2000).

Currently, according to the Indian Act 1985 amendment this responsibility in terms of elementary-secondary education is limited to Indians who live on-reserve. In recent years various government studies have revealed the inadequacy of the educational achievement of First Nations students on reserve. Although these studies make recommendations for change, they continue with the theme of colonization.

## **CHAPTER FOUR**

### **METHOD**

The purpose of this study was to determine what policy documents reveal about policy communities and policy networks in the development of Indian and Northern Affairs educational policies for First Nations in the Saskatchewan Region. This chapter discusses the sources of data that the researcher used in the study. These sources are: (1) government documents related to the nominal roll policy and process and the results of the nominal roll process in the north central district; (2) correspondence between the First Nations and INAC; (3) minutes of meetings; and (4) the nominal roll policy in the Saskatchewan Region and other documents from INAC for the Saskatchewan Region. The chapter then describes the historical approach and the importance of context. The types of documents and the classification of sources are then discussed. Validity and reliability are discussed in relation to historical inquiry. The final section discusses how the data will be analyzed.

#### **Sources of Data**

There are several sources of data that will be used in this study. The documentary study will be based on the *nominal roll policy* of the Saskatchewan Region of INAC. The various versions of the nominal roll policy will be compared. Beside the nominal policy itself, the regulations and administrative procedures will be compared from 1993 to the 2005. The *elementary/secondary program guidelines* from

INAC Headquarters and *National Reporting Guides* from 1999 to the 2005 will form a part of the data base for this study.

There are three other main sources of information, based on documents originating in Saskatchewan, for this study. The first is the *correspondence* between the various First Nations entities in Saskatchewan and INAC over the issue of nominal roll. The main agencies are the Federation of Saskatchewan Indian Nations and The Prince Albert Grand Council. The second main source of information will be the *minutes of meetings* of the Federation of Saskatchewan Indian Nations and the Prince Albert Grand Council. These minutes will include meetings that are held by these organizations by themselves and the minutes of meetings held with INAC. The minutes and the correspondence may provide references to other areas and pieces of information. The third source of information is from the *nominal roll policy in the Saskatchewan Region and other documents from INAC for the Saskatchewan Region that are related to the nominal roll*.

### **Historical Inquiry**

“The goal of historical research is to describe and explain past phenomena through careful analysis and evaluation of evidence” (Sowell, 2001, p. 155). Borg and Gall (1989) defined historical research as “the systematic search for facts relating to questions about the past, and the interpretation of these facts. By studying the past historians hope to achieve a better understanding of present institutions, practices, and issues in education” (p. 806). Cillinocos (1995) cited in Rawlison (2004) defined historical research as a reconstruction of the past through the examination of vestiges of documents. Anderson (1990) wrote “historical research is past oriented research which

seeks to illuminate a question of current interest by an intensive study of material which already exists...the purpose of historical research cannot be to control the phenomena...the research is intended to help understand or explain what went on and perhaps to predict the future” (p. 113).

The historical approach is generally an inductive approach (Rury, 1993), which uses documents. According to Holsti (1969) documents are often the only surviving artefacts that can be used “to study human activity” (p. 1). According to Rury (1993) interpretation is important in historical investigation and “historians are required ...to fill in the gaps” (pp. 247-248). Context and an individual’s interpretive framework is important (Rury, 1993; Anderson, 1990). Often evidence is fragmentary and not easy to interpret and “historians are often concerned with explaining why and how certain events occurred” (Rury, 1993p. 249). History “may be as recent as the previous year or as distant as centuries in which the historian has no personal experience” (McMillan & Schumacher, 2001, p. 500). The historical researcher uses data that exists but does not create data (Anderson, 1990).

Edson (1990) elaborated on the importance of context. He stated that history is “a discipline of context” and that “a common understanding of historical approaches to research is that people, events, and ideas cannot be understood apart from their historical contexts” (p. 147). Lawrence Stone (1981) supported this when he wrote “it [history] deals with a *particular* problem and a *particular* set of actors at a *particular* time in a *particular* place” (p. 31). Context is important and cannot be brushed aside. History takes place in a natural setting and one needs to understand the total experience (Edson, 1990).



Through historical inquiry, the past is explained and interpreted, not just documented. “As historical facts do not speak for themselves, the past becomes relevant to the present only through interpretation and evaluation” (Edson, 1990, p. 48). Judgements are a part of historical interpretation. “The goal of historical research in education is to clarify present day practices and problems by providing a historical knowledge base” (Hopkins 1976, p. 118). It is not possible to use direct observation and data has already been created; thus, no new data can be made. The historian can not control the information that is available for the study; thus, one “can not assume that something did not exist or take place simply because no record can be found” (Hopkins, 1976, p. 118). “Historical inquiry begins when an indeterminant situation raises a question, where the answer can be found in the past, continues as a critical search for truth, and ends with a defensible conclusion” (Hopkins, 1976, p. 119). The past, however, can never be fully reconstructed. “Reconstruction of the past...is based on inferences made from documents” (Travers, 1978, p. 376).

### **Data Analysis**

The data will be organized into units. Berelson (1952) distinguishes between recording units and context units. Recording units are “the smallest body of content in which the appearance of a reference is counted” (p. 135). Holsti (1969) defined a recording unit as “the specific segment of content that is characterized by placing it in a given category” (p. 116). A *context unit* is the largest body of content that may be searched to characterize a recording unit” (Holsti, 1969 p. 118) and is the unit “of textual matter that set[s] limits on the information to be considered in the description of coding units” (Krippendorff, 2004, p. 101).

The major recording units of content analysis are: words, themes, characters, items, and space-and-time measures (Berelson, 1952). Holsti (1969) used sentences or paragraphs as another recording unit. Neuendorf (2000) identified similar categories of units. She also stated that units can be any communication that is broken into bits. This study will use themes as the major recording units. A theme is “an assertion about a subject-matter” (Berelson, 1952, p. 138). According to Berelson (1952) “the theme is among the most useful unit of content analysis...because it takes the form in which issues and attitudes are usually discussed” (p. 139). He cautions that if the content is complicated then themes are “among the most difficult units of analysis from the standpoint of reliability” (p. 139). Coding instructions and a well developed code book can improve this (Berelson, 1952). In this study the theme will be the nominal roll policy and process. The context units will be the various documents discussed previously.

### ***Coding Data Analysis***

The raw data from the documents will be coded into the following categories: policy communities – sub governments and attentive publics; policy networks – pressure pluralist, clientele pluralist, corporatist, concertation, and state directed; and policy areas – distributive, regulatory, and redistributive. Holsti (1969) defined coding as “the process whereby raw data are systematically transformed and aggregated into units which permit description of relevant content and characteristics. The rules by which this transformation is accomplished serve as an operational link between the investigator’s data and his theory or hypotheses” (p. 94). The categories that will be used in this study are policy communities, policy networks and policy areas. There is a

need for well defined categories, for “content analysis stands or falls by its categories” (Berelson, 1952, p. 147). This is reiterated by Budd, Thorpe and Donohew (1967) who wrote “no content analysis is better than its categories, for a system of categories is, in essence, a conceptual scheme” (p. 39).

Budd, Thorpe, and Donohew (1967) listed three primary requirements for categories: they are to answer the questions; they are to be exhaustive and they are to be mutually exclusive. Holsti (1969) wrote that

the most important requirement for categories is that they must adequately *reflect the investigator's research questions*....this means...that the analyst must define clearly the variables which he is dealing with...and...he must specify the indicators which determine whether a given content datum falls within the category....A good operational definition satisfies two requirements: it is a *valid* representation of the analyst's concepts, and it is sufficiently precise that it guides coders to produce *reliable* judgements. (p. 95)

The categories are: policy communities, policy networks and policy areas. These categories will be defined in the code book (see Appendix B). The categories are exhaustive in that each and every unit can be coded. The categories are also mutually exclusive in that “there should be only *one* appropriate code for each and every unit coded” (Neuendorf, 2000, p. 119).

Subject matter categories are generally used (Berelson, 1952) with the goal of determining “what the communication is about” (Holsti, 1969, p. 104). The nature of the investigation helps to determine the subject matter categories (Berelson 1952; Holsti 1969). The “content analysis scheme [however] needs to be useable by a wide variety of coders, not just a few experts” (Neuendorf, 2000, p. 116).

A codebook is a document that clearly explains the coding. The codebook corresponds to a coding form (see Appendix C) on which the variables are coded. “The

codebook and the coding form should stand alone as a protocol for content analysis messages” (Neuendorf, 2000, p. 132). The code book and the coding form must be clear to try to avoid differences in coders. There was a training session for coders. The final coding was completed by the researcher. Krippendorff (2004) outlined three qualifications for coders. The coders must be able to both understand and apply the rules of coding. Coders should have a similar background. The two previous coder qualifications should “*occur with sufficient frequency* with the population of potential coders” (p. 128).

A matrix was used to analyze the data from the documents. The following questions were used as a basis for data analysis: (1) Is the document written from the point of view of the sub government? Is the document written from the point of view of the attentive public? (2) What type of policy networks are identified in the documents? (3) What specialists were involved? (4) Is the document of a distributive, redistributive or regulatory nature?

The nominal roll data were displayed in table or graphic form. The data from the North Central Region in Saskatchewan was analyzed according to the following heading: nominal roll submitted to INAC, nominal roll inputted by INAC and nominal roll audited by INAC. The data from the national level was displayed graphically and in table form according to the number of students of age to attend school on-reserve and the national audited number of students on the nominal roll.

### ***Content Analysis***

When one studies documents, one needs to “move away from a consideration of them [documents] as stable, static and pre-defined artefacts” (Prior, 2003, p. 2).

Documents are “networks of action” (Prior, 2003, p. 2) that involve their creators, their users and the settings in which they were developed. Documents are products that are produced by people in “socially organized circumstances” (Prior, 2003 p. 4). This is reinforced by Atkinson and Coffey (2004) who wrote “documents are ‘social facts’ in that they are produced, shared and used in organized ways” (p. 58) and tied to “organizational life” (Prior, 2003, p. 77).

The context of a document is important (Rury, 1993; Silverman 1993), for the content of a document is not fixed, for it is read and thus consumed. The most important function of a document is that of use. Prior (2003) wrote “the consumption of documents is as important as their production” (p. 26), for documents are written for an audience; as such, readers influence writers when the document is being written. Prior (2003) further stated “the nature of the consumption process can alter the nature of the entire document” (p. 19), for “documents...are ‘recipient designed’ [for] they reflect implicit assumptions about who will be the ‘hearer’ or reader” (Atkinson & Coffey, 2004, p. 70). Documents are written in a language that is designed for the reader and through detail change the nature of a record (Schafer, 1974).

The researcher used content analysis as his method of research to analyze documents. Berelson (1952) defined content analysis as “*a research technique for the objective, systematic and qualitative description of manifest content of communication*” (p. 18). This definition has the following characteristics: (1) content analysis examines manifest content or surface content; (2) content analysis is objective in that there are precise definitions of categories; (3) content analysis is systematic in that “all of the relevant content is to be analyzed in terms of all of the relevant categories; and (4) there

is a requirement for quantification. Berelson (1952) wrote “In most applications of content analysis, numerical frequencies have been assigned to occurrence of the analytic categories” (pp. 17-18). Budd, Thorpe and Donohew (1967) said one needs to go beyond Berelson’s definition of manifest content and to explore latent content as well. There are four major elements in the process of communication: (1) the source of the communication; (2) what was the content of the message; (3) how was the message sent; and (4) who was the receiver of the message.

Holsti (1969) defined content analysis as “a multipurpose research method developed specifically for investigating any problem in which the content of communication serves as the basis of inference” (p. 2) Holsti’s definition required that content analysis must be both objective and systematic; however his definition did not include a distinction between qualitative-quantitative nor was it limited to include manifest content, for although manifest content can be coded, “inferences about the latent meanings of messages are...permitted but...they require corroboration by independent evidence” (p. 14). Lindkvist (1981) stated that “different groups of consumers understand a text in different ways” (p. 25).

Neuendorf (2000) defined content analysis as a “systematic, objective, quantitative analysis of message characteristics” (p. 1). Her definition is similar to that of Berelson. Krippendorff (2004), however, stated that “all reading of texts is qualitative” (p. 16). He defined content analysis as “a research technique for making replicable and valid inferences from text (or other meaningful matter) to the contexts of their use” (p. 18). Krippendorff does not use Berelson’s requirements of objectivity and systematicity, for these requirements are covered through reliability and validity.

Berelson's requirements that content analysis be quantitative and manifest were omitted, for "qualitative methods have proven successful as well [as quantitative methods] and latent meaning has value" (Krippendorff, 2004, p. 19). In this study, the researcher employed Krippendorff's definition of content analysis.

Various types of documents exist. Documents can be official or nonofficial, public or private, published or unpublished. They can preserve a historical record and can serve a practical purpose. Examples of documents are letters, diaries, wills, receipts, maps, journals, newspapers, courts record, official minutes, proclamations, regulations, laws, reports, leathers and memos and quantitative records (Borg & Gall, 1989; McMillan & Schumacher, 2001).

Sources are classified as *primary sources* or *secondary sources*. *Primary sources* are firsthand accounts of an event. (McMillan, 2001). They are "original or underived" (Hopkins, 1976, p. 123). Travers (1978) defined a primary source as "one which has had some direct physical relationship to the events that are being reconstructed" (p. 380). "Primary sources...provide the researcher with first-hand accounts" (McCulloch & Richardson, 2000, p. 79) and are written for a particular audience. As such, the researcher must understand who the intended audience is (McCulloch & Richardson, 2000).

*Secondary sources* are from people who are not an eye witness to, or participant in, the event (McMillan, 2001). As such, secondary sources are derived sources (Hopkins, 1976) which "do not bear a direct physical relationship to the event that is the object of the study" (Travers, 1978, p. 380). Although secondary sources are detached from events, they are accounts and interpretations of events and "are influenced by the

assumptions and problems of the society and context in which they are written” (McCulloch & Richardson 2000, p. 80).

### **Establishing Validity and Reliability**

#### ***Validity and Reliability***

Validity is “interpreted as the extent to which an account accurately represents the social phenomena to which it refers” (Silverman, 2000, p. 175). Validity can be tested through triangulation (Silverman, 2000) where more than one source of information is used to establish a fact (Bogden & Bilken, 2003). Other approaches to validation include: (1) the refutability principle in which one does not jump to conclusions, (2) the constant comparative method in which one inspects and compares “all the data fragments that arise in a single case” (Silverman, 2000, p. 178); (3) comprehensive data treatment in which all data are incorporated into the treatment and analysis, (4) deviant case analysis in which other cases are sought (Silverman 2000).

In content analysis, categories are established for coding the content of the documents. The categories need to be precise, for Neuendorf (2000) wrote “accuracy is the extent to which a measuring procedure is free of bias” and “precision is the fineness of distinction made between categories or levels of a measure” (p. 13). According to Berelson (1952), “in cases in which there is high agreement in the definitions of the relevant categories, there is little difficulty in achieving validity in content analysis” (p. 169).

The researcher established validity by examining different types of documents. The documents were from one of the three categories: (1) federal documents that establish the basis for the nominal roll at the regional level; (2) regional policy



documents and regulations; and (3) correspondence and memos from the First Nations organizations in the North Central District to INAC and the INAC response, as well as minutes of meetings between the First Nations organizations of the North Central District and INAC. The researcher searched for as many documents as he could locate in the above mentioned areas. All of the available documents were analyzed using the code book and a matrix based on Scott's four criteria to assess the quality of evidence: *authenticity, credibility, representativeness and meaning* (Scott, 1990).

Reliability is "the degree of consistency with which instances are assigned to the same category by different observers or by the same observer on different occasions" (Silverman, 2000, p. 175). Krippendorff (2004) referred to reliability as replicability. There needs to be consistency among analysts and consistency over time (Bereslson, 1952). Inter-coder reliability was used to assess the reliability of the researcher in the coding and categorization of the content of the documents. Holsti (1969) distinguished between individual reliability and category reliability. *Category reliability* depends on the researcher's ability to establish categories that are clear enough that different analysts will agree as to which items belong and which do not. "*Individual reliability* reflects the extent of agreement between coders" (Holsti, 1969, p. 136).

Inter-coder reliability was employed to test the reliability of the researcher in coding the documents. Neuendorf (2000) wrote that inter-coder reliability is needed "to provide basic validation for a coding scheme: "That is it must be established that more than one individual can use the coding scheme as a measurement tool, with similar results...even if the principal investigator does all of the coding, a reliability check with

a second coder is needed” (p. 142). There needs to be at least two coders. Reliability should be assessed at both the pilot level and at the final level.

In this study, the researcher conducted a field test of the method and categories with three individuals who have knowledge of the nominal roll and INAC policy. The qualifications for coders that were specified by Krippendorff (2004) and discussed on page 79 of this document were met. The first three coders have a First Nations background and are involved in senior management positions within First Nations educational systems. They were trained to use a coding format. The agreement amongst the coders illustrated that they understood and consistently applied the rules. The same was applied when tests of inter-coder reliability were used. The researcher reviewed a letter from INAC that was addressed to the directors of First Nations, to the principals of First Nations schools and to provincial schools. The researcher followed the following steps.

Step One: The researcher read the letter to the three individuals, and then explained the terms policy communities and policy networks. He reviewed the policy community diagram of Pross (1992). The researcher reread the letter and classified the contents according to the concept of policy communities as described by Pross (1992), and listed the words and phrases that he used to make his judgments.

Step Two: The researcher explained the following policy networks: pressure pluralism, clientele pluralism, corporatist network, concertation network, and state directed network. Once this was completed, the researcher reread the document and analyzed the content based on the types of policy networks, and indicated the words, phrases and sentences that he used to make his judgements.

Step Three: The researcher described and explained the three policy areas of Lowi: distributive policy, regulatory policy, and redistributive policy. He read the document and classified it according to the policy areas, using words and phrases from the document to support his judgments.

Step Four: The researcher gave each of the participants another document to read. They followed the same procedure outlined above to analyze the content of the document.

Step Five: The researcher collected the summary sheets from the participants, and examined the analysis for agreement among the researchers.

There was a high level of agreement in this process. The major difficulty was in classifying the policy networks in terms of the categories of pluralism. This exercise confirmed the reliability of the categories used.

Inter-coder reliability was used to test the coding reliability on the researcher. Two students at the graduate level coded documents. Their coding was compared to the coding of the researcher. The initial phase was 10% of the documents collected to the time of the first round of coding. The reliability rate was set at 80%. There was a second round of coding based on another 10% of the documents collected to date.

### ***Validity and Reliability in Historical Criticism***

Sources are evaluated through historical criticism (Anderson, 1990; Hopkins, 1976). Historical criticism involves external criticism and internal criticism. External criticism involves determining whether the source is an original document. One also needs to examine who wrote the document, when was it written, where was it written and what was the intent. The researcher needs knowledge of the era in which the

document was written. One needs to be aware that there can be variant sources, or two or more versions of the same text. External criticism deals with the document itself and is concerned with the authenticity of the document (Gajendra & Mallick, 1999; Shafer, 1974). According to Borg and Gall (1989) external criticism is “the evaluation of the nature of the source” (p. 820). They list several topics that one should consider when examining a document for authenticity: Is the document genuine? Is it original? If it is a copy, is the copy accurate? Who wrote the document? When and where was it written? Under what conditions was it written? Who is the real author? Hopkins (1976) lists similar topics or categories.

Internal criticism examines the trustworthiness, or credibility, of what is written in the source (Hopkins, 1976; McMillan & Schumacker, 2001; Shafer, 1974). One needs to examine the context, the meaning of the words and the order of the material within the document (Shafer, 1974). Internal criticism “aims at determining the validity and accuracy of historical data... [to] reveal a true picture of what actually happened” (Gajendra & Mallick, 1999, p. 76). One needs to evaluate both the statements themselves and the person, or persons, who wrote the statement, for different people may view an event in a different way (Borg & Gall, 1989).

Scott (1990) discussed four criteria that can be used to assess “the quality of evidence that is available for analysis” (p. 6). The criteria are *authenticity*, *credibility*, *representativeness*, and *meaning*. These criteria are to determine the validity and reliability of the evidence. Scott (1990) wrote “great care is taken- or should be taken – about the quality of the evidence and therefore about the validity and reliability of the data constructed from the evidence” (p. 6).

*Authenticity* is concerned with “soundness and authorship” (Scott, 1990, p. 19). The authenticity of a document concerns the genuineness of a document. One needs to question “whether [the document] is actually what it purports to be” (Scott, 1990, p. 19). The document may be the original, a copy of the original or a copy of a copy. All documents whether original or copies must be assessed for they may contain errors in spelling or grammar. Copies and copies of copies may also contain errors from the reproduction of the copies.

The question of soundness is to determine the authenticity of a document. “An unsound document is one which is not close enough to the original because it has been corrupted in various ways” (Scott, 1990, p. 20). The use of corrupt documents can lead a researcher to attribute something to the author that was never intended. “Accidental corruption... can often be detected on the basis of a general knowledge of the likely sources or error that arise during copying” (Scott, 1990, p. 20). These errors can include letter or word transposition, spelling errors, improper punctuation, miscopying of similar words. In these instances one should use general knowledge to reconstruct the meaning. This is to be footnoted. Langlois and Seignobos (1912) call this “conjectural emendation”.

Conjectural emendation is not always possible for there may be sections missing or there may be deliberate fraud. If this occurs the researcher should examine more than one independently produced copy and trace their relationship back to the original. The comparison of the copies may allow “the researcher to identify the various ‘traditions’ which have evolved from the original and so to assume that agreement between traditions is indicative of agreement with the original” (Scott, 1990, p. 20).

The issue of authorship also needs to be addressed. There is a need to “authenticate the identity of those responsible for its [the documents] production” (p. 20). Both internal and external evidence will be used for this.

The test of *credibility* looks at the “sincerity and accuracy” (Scott, 1990, p. 22) of the document. The question of sincerity involves why the document was produced and if the author believes in the document. Official documents are often produced as a requirement of the position and are thus reflective of the position and not the writer. Scott (1990) wrote “In the case of official documents the author may have little choice or discretion...though that is not to say that the official will always be required to be sincere in producing documents” (p. 22). Personal documents are written for a variety of reasons. In determining the sincerity of a document one should examine the “material interest that the author has in the contents of the document, the extent to which he or she seeks some practical advantage which might involve deceiving his or her readers” (Scott, 1990, pp. 22-23). Official documents often extol one point of view over another. Both primary and secondary sources need to be assessed for accuracy.

*Representativeness* refers to the availability and the survival of the documents. The researcher needs to ask whether the documents he or she has are complete or if they are at least representative of the documents that may be available. Documents are also often destroyed or misfiled so they are not always available for research. Some documents may not be available due to privacy restrictions (Scott, 1990).

*Meaning* is the fourth criteria to evaluate documents. This refers to both the literal meaning and to the interpretive meaning. In determining the literal meaning one needs to determine what the words mean. The research needs to relate the literal

meaning to the context of the document. The genre of the documents will affect the interpretation of the document. The recording of information can change over time; as a result it is not always easy to compare information from one time period to another.

“Texts must be studied as socially situated products” (Scott, 1990, p. 34).

In addition to the two levels of meaning – literal and interpretive – there are “three aspects of the meaning of texts. The meaning that the author implied is the *intended content*. The *received content* is the meaning that the reader supplies to the text. The *internal meaning* is the meaning gained through inference and interpretation. Scott (1990) concluded by writing:

It follows, therefore, that the interpretation of a text can not be separated from the questions of its production and its effects. The reading of a text is validated by relating it to the intentions of the author, and by taking account of the fact that its ‘objective meaning’ goes beyond these intentions, and also by relating the text to the audience. (p. 35)

All data were checked for validity and reliability. A matrix (see Appendix D), using internal and external criticism, was used to assess the validity and reliability of the data. This matrix used the four categories identified by Scott: authenticity, credibility, representativeness and meaning.

The authenticity of the documents was assessed by asking the following questions: (1) What is the source of the document? (2) Is there more than one copy of the documents?(3) If there is more than one copy, are the documents the same? (4) Who wrote the document? The credibility of the documents was assessed by asking the following questions: (1) Why was the document written? (2) What point of view is shown? (3) Does the document state why it was written? Issues of representativeness were addressed through the following questions: (1) Are the documents available

complete? (2) Are there known documents that are not available? Meaning was addressed with the following questions: (1) What is the literal meaning of the document? (2) What are the intentions of the author in writing the document?

### **Ethical Issues**

The source of information used in this research was documents that were available for public consumption. The documents were in the files of Indian and Northern Affairs Canada, the Federation of Saskatchewan Indian Nations and the Prince Albert Grand Council, the Meadow Lake Tribal Council and various First Nations schools. Other documents were located in the files of chief and council meetings and community meetings.

### **Organization of the Data**

The documents are analyzed according to the conceptual framework which combined the three policy streams of Kingdon and policy communities and policy networks in each of the streams. Each stream is analyzed discretely; however, since the streams are in fact intertwined, there is some necessary repetition of data across the streams. Chapter Five presents an analysis of the documents from the perspective of the problem stream and Chapter Six contains an analysis of the documents from the perspectives of the policy and political streams. Although many of the formal studies occurred at the macro (federal) level, they had an impact at the meso (regional) and micro (district) levels in terms of policy development, implementation and problem definition. These characteristics also necessitated some repetition in the analysis. Chapter Seven constitutes a synthesis of the streams analysis utilizing policy community and policy network lenses as described in Chapter 3.



## **CHAPTER FIVE**

### **THE NOMINAL ROLL AS AN ISSUE: THE PROBLEM STREAM**

The nominal roll is “an annual census of Indian students living on reserve and attending an elementary/high school, whose education is being funded by the federal government either directly or indirectly” (Nominal Roll User Guide, p. 1 2004), and was the method used by INAC to establish the elementary and secondary education budgets in the various regions of Canada. The nominal roll was, thus, a census and the census date is either September 30, or the last school day in the month of September.

According to the Nominal Roll Guidelines (2004) for the Province of Saskatchewan, “the nominal roll system is central to the effective management of the education program and is in compliance with the Elementary Secondary National Guidelines and the present terms and conditions of the funding agreements between the Department [INAC] and First Nations” (Nominal Roll User Guide, p. 1 2004). The nominal roll was to manage the education program and to ensure compliance in two areas: compliance in terms of the funding agreements that are signed by INAC and the First Nation and compliance in terms of the Elementary Secondary Guidelines 2003. The main purpose of the nominal roll system “is to provide educational statistics for departmental use” (Nominal Roll Use Guide, p. 1). This was subdivided into the following purposes:

- a) As a basis for obtaining funds for the elementary and high school education program,
- b) As a basis for allocating resources to the region using departmentally approved resourcing formulae,
- c) As justification for the expenditure of capital funds,
- d) As a managerial tool for various types of policy and planning decisions,
- e) As a general assessment of educational progress, and
- f) As a resource for education statistics.

The nominal roll system expanded to be more than a straight student count. The nominal roll system also included the following: a reporting of teacher and curriculum information, a report on student transportation through an “Approved School Transportation Certificate”, and a census of off-reserve students. The nominal roll process also collected information in the following areas: the identification of non-status students attending a band operated school, the language of instruction and the extent of instruction in a First Nation language, student leaver information, the identification of students who are enrolled in non-graded classrooms up to grade 8, the identification of both full time and part time students, and an identification of student accommodation, whether the student lives on-reserve or in a room and board situation.

The nominal roll system, as illustrated in table 5, had a much greater impact than simply the allocation of financial resources to operate the in-school education program. Departmental formulae were used to allocate revenue to regions based on the nominal roll. This allocation had an impact on proposal-driven educational programs such as the former Education Reform program, and the current New Paths for Education, Parental and Community Engagement Program, Teacher Recruitment and Professional Development Program and the First Nation and Inuit Employment Strategy Program.

Table 5: Areas Impacted by the Nominal Roll

Education Policies	Proposal Driven Funding	Other Requirements	Capital Projects
Start-up Funding Formula	New Paths	Curriculum Certification	Housing
Daily Transportation	Parental Engagement	Teacher Certification	Space Accommodations
School Attendance	Teacher Retention and Recruitment	Report of Student Transportation	
Provincial Tuition Management Regime	First Nations and Inuit Work Experience Program	Behaviour Disordered Programming	
Core Curriculum	Summer Student	Special Education	
School Evaluations	Career Awareness	Residency	
Dual Principal Funding		Language Spoken and Taught	
Furnishings of Teacherages		Student Leaver Information	
School Facility Overcrowding			
Financial Responsibility			
Education Program Expansion			
Regional Transfer/ Devolution			
Home-Based Schooling			

Education capital dollars were used for new school construction, for school expansion and renovation, and for the allocation of teacherages for those communities that are in the isolated post area. Educational programs were assessed through the data collected. Policy and planning decisions at the regional and national level were based on statistics.

The nominal roll process had a direct and indirect effect on most of the other educational policy areas of INAC. In addition, other non-educational areas were also affected. Since the nominal roll was the basis on which schools were funded, the most direct impact was in terms of instructional funding for schools. The audited per student count, which was based on attendance rather than enrolment, was the basis for the funding, rather than the actual student enrolment.

### **Policy Implications**

The audited numbers were used as the basis for new school construction and school expansion. Under practice at the time, First Nations that were due for either new school construction or renovations, were automatically audited on-site. For every twenty students lost through an on-site audit, the school size was reduced by one classroom (Space Accommodations Standards 2000). In addition, this impacted the number of teacherage units for those communities that were eligible for teacher housing. The number of teacherage units was based on the total number of classrooms as determined by INAC formula. The established classroom size of 17:1 student teacher ratio was used as the basis to determine the number of units (INAC Operational Policy FE-ED-19). If there was a reduction in the number of recognized students through the audit process, there would be a reduction in the number of teacherage units available.

INAC Operational Policy FS-ED-13 Start-Up Funding Formula for New/Renovated Education School Construction Projects had the following purpose: “To establish a regional level of funding for new and renovated First Nation controlled schools with start-up furnishings, equipment and program requirements” (INAC Operational Policy FS-ED-13, 1999). The funding formula covered three areas: (1) unfixed furniture and equipment, (2) a per pupil allocation and (3) start-up equipment related to the maintenance of the facility. Because the funding allocation for unfixed furniture and equipment was based on net areas, a reduction in the audited student number, there would be a corresponding reduction in the space required which translated into fewer dollars for start-up funding.

The per pupil funding allocation was “based on the projected opening day enrolment” (INAC FS-ED-13, 1999). Enrolment projections were based on patterns of enrolment established through the nominal roll audit process. In actuality, this was based on attendance rather than enrolment. Table 6 lists the per pupil allocations.

Table 6: Per Pupil Start-up Allocation

Category	Funding Level
Nursery/Kindergarten	\$300/student
Grades 1 to 8	\$200/student
Grades 9 to 12	\$500/student

(INAC Operational Policy FS-ED-13, 1999)

There appeared to be a contradiction in policy in this area, for the above amounts were based on “projected opening day enrolment”; however, the policy also stated “these [per

pupil start-up allocation] are based on the opening day enrolments” (INAC Policy FS-ED-13).

The funding formula for start-up maintenance equipment consisted of “a basic amount of \$7,500 for schools of 1 to 8 classrooms and an additional \$400 for each general instruction unit in excess of 8” (INAC Operational Policy FS-ED-13, 1999). The number of the classrooms and the corresponding general instructional units was calculated according to the audited nominal roll count.

INAC provided teacherages for rural and isolated areas according to INAC Operational Policy FS-ED-19, whose purpose “is to provide administrators of the Saskatchewan Region’s teacherage units with guidelines for the site selection, construction, operation and maintenance responsibilities for teacherages” (INAC Operational Policy FS-ED-19, 1992). The teacherage allocation for isolated and rural communities was based on the “number of homerooms established at a 17:1 Instruction unit to Teacher Ratio” (INAC Operational Policy FS-ED-19, 1992). This ratio was based on the audited student enrolment. Where the number of home rooms was more than nine, the number of teacherages was calculated at six plus the number of units required for over nine homerooms. A change in the audited numbers from the input numbers could have an impact on the number of available units for occupancy and thus on the number of teachers that a community could hire. INAC Operational Policy FS-ED-14, 1993 Furnishings of Teacherages in Isolated and Rural Areas was a related policy, which impacted the education capital budget for the region for INAC allocated financial resources for initial teacherage fit-up.

The purpose of the Daily Transportation Funding Formula INAC Operational Policy FS-ED-15 was “to establish the level of funding for the transportation of students residing on-reserve for First Nation and provincial schools” (INAC Operational Policy FS-ED-17, 2005). The pupils who were entitled to transportation were those who live 1.6 km or more from the schools. These numbers were based on the audited nominal roll. There were exceptions for students at the K4 and K5 level, for students who were disabled or when conditions were hazardous to student safety. Bus routes were “reviewed yearly (upon completion of the nominal roll) to ensure that it is required and being utilized” (INAC Operational Policy FS-ED-17, 2005). As a part of the nominal roll process, principals signed student transportation certificates certifying that the bus met provincial safety standards and that the driver was certified.

The purpose of the INAC Operational Policy FS-ED-16 (1993), School Facility Overcrowding was “to provide a process for the identification of additional general instructional areas in First Nation schools due to increased enrolment within the approved level of service delivery.” The current nominal was used for projections for enrolment. If these projections, based on the current nominal roll, indicated facility overcrowding due to student growth, First Nations were to submit an application for additional classroom space.

Under the INAC Operational Policy FS-ED- 18A Special Education – Behaviour Disordered Programming (1999), First Nations students who were federally funded were eligible for Behaviour Disordered funding. In order to be federally funded, students had to be included on the audited nominal roll. Thus, students who were not on the nominal roll were not eligible for Behaviour Disordered funding. When the

principal completed the nominal roll package as a part of the nominal roll process, he/she identified which students received funding under INAC Operational Policy FS-ED 18A 1999.

The core curriculum initiatives of Saskatchewan Education resulted in added expenses for band managed schools were to follow the provincial curriculum. In order to offset these added costs, INAC provided “funding [for] Core Curriculum initiatives in First Nations Schools” (INAC Operational Policy FS-ED-22, 1993). This funding was provided “on the basis of an established amount for each instructional unit” (INAC Operational Policy FS-ED-22, 1993), which was based on the audited nominal roll.

INAC required First Nations to conduct a school evaluation once every five years. Funding for the school evaluation was determined through the student enrolment, which was determined by the audited nominal roll. The education school evaluation funding formula applied to all First Nations regardless of their applicable funding agreement. “This formula has a base amount for the students enrolled in the reserve school” (INAC Policy FS-ED-26, 1993). The number of classrooms was based on an 18:1 pupil teacher ratio. This was in contrast to the teacherage allocation policy which is based on a student-teacher ratio of 17:1.

### **Impact on Capital Projects**

Areas other than education that were impacted by the nominal roll are housing and emergency housing. INAC used the nominal roll as the basis on which emergency housing money was distributed to First Nations (2001-02-19). For large bands, this had a significant impact if there was a significant decrease in the number of students in the audited count.



In summary, the nominal roll system, which INAC developed, was a student census which tracked students and formed the basis for INAC's statistical data base on student enrolment. The documents revealed that 'student enrolment' changed from just enrolment to enrolment based on attendance, which is currently 50 per cent. Students with less than 50 per cent attendance were not included in the student count for enrolment purposes. This data base was used for funding purposes, for capital projects and for planning and policy purposes. The process was more than a student census, for other areas, as stated above, were included in the process.

### **Phases to the Nominal Roll Process**

In the Saskatchewan Region, there were five phases to the nominal roll system. Phase One was the preparation and distribution of the school packages. Toward the end of September in each school year, INAC provided nominal roll packages to the principals of all the First Nations Schools in the region. The packages contained detailed instructions and all of the necessary forms were to be completed. The census section of the nominal roll was a listing of all of the students who attended each school in the previous school year. The student list was "upgraded" by one year. Each school principal was asked to review the student listing, to make any necessary changes, using a red pen, in terms of grade placement and student leaving for those students who were no longer attending the school. New students were to be added on separate sheets. This updated student count, along with teacher certification and curriculum certification, student transportation certification, a listing of off-reserve students attending a band operated school, and a list of home-based education students was to be submitted to the respective INAC District Office by October 15. This was the submission phase.

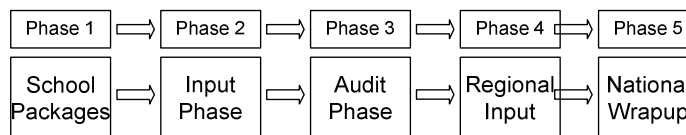
Phase Two was the input phase. In the input phase, the student census obtained from the schools was inputted into the INAC system at the District Level. Students were checked for age and for duplication from one school to another. This process generated another list of students for phase three which was the audit phase. Phase Three included on-site visits, during which time INAC Financial Service Officers visited the schools. They cross-referenced their updated lists from the input phase with the school registers. They verified if the students were enrolled on the last teaching day of September and if the students had an established pattern of attendance, which was defined as being in attendance at least 50 per cent of the time since registration. At the secondary level, student attendance was checked for each class in which the student was registered.

Prior to the 2004-2005 audit, the required level of student attendance at the secondary level was 80 per cent in each class, for INAC reasoned that students who attended less than 80 per cent of the time would not be able to pass the class. This level of attendance was changed to 50 per cent beginning with the 2004-2005 audits. In addition, students were to be registered in either six out of eight credits or be in classes at least 75 per cent of the school day. The Financial Service Officers reviewed the Saskatchewan Learning student registration forms in order to obtain this information. Students who did not meet the attendance criteria and the credit criteria at the secondary level were removed from the nominal roll for funding purposes.

Phases Four and Five were conducted in-office. Phase Four was the regional input phase. The nominal roll data that was obtained through the audits was sent from the District Office to the Regional Office. Here the data were cross-referenced for

duplication. Once this process was completed, the regional data were sent back to the District Office which forwarded the unofficial data to each band. In addition, the regional wrap-up was sent to Headquarters for the national compilation. This established the official student count. These phases are illustrated in Figure 4

Figure 4: Phases of the Nominal Roll



As illustrated in Table 7 the nominal roll had an impact on the number of students who were funded for elementary and secondary education in a system, which represented four sectors. Through the nominal roll process, this system lost 4.91% of its student population for funding purposes. This loss covered four sectors. Sector 1, which was the most geographically isolated sector, lost 9.5% of its student population. Sector 2, which was semi-isolated, lost 4.80% of its student population. Sectors 3 and 4, which were close to urban centres, lost 1.91% and 2.67% of their student population, respectively, due to the nominal roll audit. This translated into significant losses in terms of educational revenue, especially for sector 1. In addition, the loss of 323 students represents a loss of 18 to 19 classrooms, which, according to formula, translates to 12 teacherages. It is INAC's position that the students who were cut still have the right to attend school; however, INAC would not fund their education in the instructional level nor through capital projects. This represents a loss of revenue of \$6,041.00 per student or a total of \$1,951,243.00.

Table 7: Nominal Roll Results 2003-2004

Sector	Band Submission	Input Submission	Audit Findings	Students Cut	Percent <sup>1</sup>
System as a whole	6573	6504	6250	323	4.91%
Sector 1	1262	1259	1153	109	9.50%
Sector 2	3666	3629	3490	176	4.80%
Sector 3	784	772	769	15	1.91%
Sector 4	861	844	838	23	2.67%

Adapted from First Nations Indicator Report 2004 (2004-00-00)

<sup>1</sup>Percent of students cut compared to band submission, rounded to nearest hundredth.

The nominal roll process allowed INAC to add students who were missed in the original submission. This was completed during the on-site visits. In the 2003 -2004 school year and the 2004-2005 school year, there was a negative net change in student enrolment once the nominal roll process was completed. This is illustrated in Figure 5.

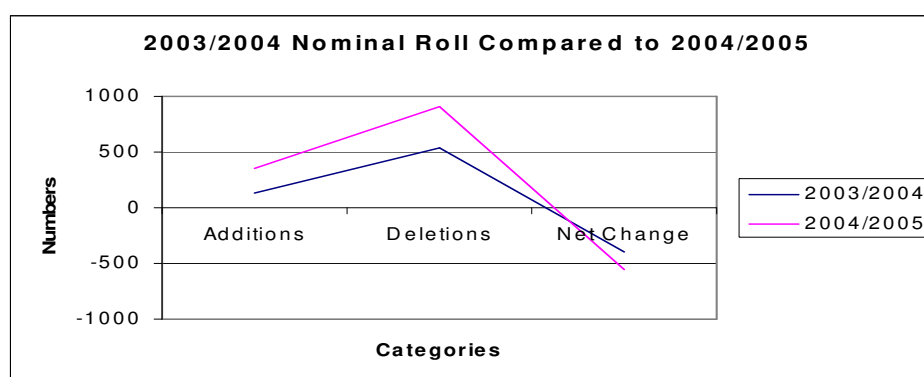


Figure 5: Net Effect of Additions and Deletions on the Nominal Roll Count

Nationally the enrolment rates, based on a comparison of on-reserve enrolment and the on-reserve student population, remained in the 80 to 90 percent range. Before 1992, INAC calculated the national enrolments rates on the basis of the registered on-reserve Indian population aged four to eighteen. This changed in the 1992 to 1993 school year to the on-reserve Indian population aged six to sixteen. The enrolment rate increased with the removal of the student population under six years of age and those over eighteen years of age. These enrolment rates were based on the national nominal roll wrap-up. They indicated a trend in which there were significant numbers of students who were not counted in the nominal roll (Basic Departmental Data).

### **INAC: The Nominal Roll as a Policy Issue**

INAC identified the nominal roll as an issue in October 1994. (Audit of Selected Data Banks Nominal Roll System Audit Report). The report concluded that “the reliability of the NRS [Nominal Roll System] is questionable”. Concerns were also identified with the cost effectiveness and efficiency of the NRS, and an opportunity existed “to determine if it [the nominal roll process] is the most cost effective and efficient exercise to allocate education budgets” (Audit, 1994). There were two major recommendations from this audit: (1) “the Regional Directors General should ensure that on-site audits are conducted on the nominal roll” and (2) “The Director General of Finance should examine the nominal roll system to determine if it is the most cost effective means of allocating education budgets” (Audit, 1994). According to the audit findings, the nominal roll “exercise does not justify the significant time and human resource investment” (Audit 1994).

The nominal roll process was used by INAC for the “effective management of the elementary/secondary education program...for the data [obtained] are used to provide educational statistics for accountability purposes, to provide a historical base for planning and as a base for the acquisition and allocation of” financial resources. In order to accomplish this objective, there must be a “careful registration of eligible students” (July 1995). It was therefore necessary that the data were of high quality. Financial pressures for the proper allocation of funds was also seen as a problem by INAC that needed to be remedied. According to INAC, the First Nations also wanted to be assured that the allocation of funds was based on solid data. Although the “levels of accountability for the accuracy of the data were clearly assigned and communicated” (1995), there were problems with the data. The bands were responsible to ensure accuracy of residency; the schools were to ensure accuracy of enrolment data; and INAC was responsible for the accuracy of registration data. However, on-site visits were not made to corroborate the data. This resulted in the Information and Management Branch developing a policy for on-site visits. Regions had input into these policies.

The problems identified by Headquarters through the nominal roll audit resulted in a change in policy. Regions had input into the policy; however, there was no input by First Nations in developing the methodology for either conducting the on-site reviews or for defining student eligibility for inclusion on the nominal roll. The audit also showed a need to consolidate “various existing documents in order to describe all data quality checks on the Nominal Roll, both on and off-site, in one guide” (Regional Guide for Checking the Nominal Roll).

### **The First Nations: The Nominal Roll as a Policy Issue**

Some Chiefs were concerned with the process of the nominal roll. Their definition of the problem was based on three issues. First, there was concern that students over twenty-one were not eligible to be included on the nominal roll even if they were attending school; second, there was concern with the removal of students from the nominal roll; and, third there was concern that the Treaty Right to an education may be breached (1995-00-00). Whereas DIAND viewed the problem in terms of data quality and the allocation of resources, the Chiefs viewed the issue of the nominal roll as a possible breach of the Treaty Right to an education through denying funding to students over twenty-one years of age and through the removal of students from the nominal roll.

Other First Nations jurisdictions also identified the nominal roll as an issue. A Tribal Council identified seven areas of concern with the nominal roll process. These issues, as identified in the nominal roll regulations, are as follows: (1) the naming of an aide who worked with high cost students; (2) the fact that high school registration forms with Saskatchewan Learning had to be available at the audit; (3) the fact that students had to be registered for the full year when the nominal roll audit was conducted; (4) the definition of a full time student as someone who was registered in a minimum of six classes per year, three per semester, or was taking classes 75% of the time; (5) the removal of a student at the secondary level if the student's attendance fell below 80% at the time of the audit; (6) students were to be classified as Division I, Division II, Division III, and Division IV when these terms were no longer used in the province; and

(7) no funding for students over the age of twenty-one when education is seen as a Treaty Right (1999-11-24).

This was followed by an education memorandum which added more detail to the situation. It was re-emphasized that there was concern over INAC policies and procedures as outlined above. There was also concern over the lack of consultation with First Nations concerning proposed changes to policy. “An overall issue relating to these nominal roll policies and procedures is that INAC representatives do not consult with educational representatives prior to implementing the policies” (1999-10-01). In order to resolve these issues it was requested to “initiate discussions with Federation of Saskatchewan Indian Nations (FSIN) and INAC representatives with a view to changing the manner in which nominal roll policies and procedures are developed and implemented” (1999-10-01).

Similar issues were also identified by another First Nation. These problems are:

We consider that the purposes of the audit [nominal roll] are to:

1. Ensure that each student who is entitled to funding is counted;
2. Ensure that students are not funded in more than one jurisdiction;
3. Ensure that funding levels are appropriate for the grade level and needs of each student (1999-00-00C).

This First Nation was in agreement with DIAND’s statement that the First Nations also wanted to be assured that the allocation of funds is based on solid data. The First Nation saw a need for the nominal roll to ensure that data is accurate and funds are distributed in a fair manner.

At the same time, this First Nation identified several problems with the nominal roll process. Education was viewed as a Treaty Right; therefore, all First Nations students were to be funded for education. If students withdrew after September 30, they



should not be removed from the nominal roll. In addition, students should not be removed from the nominal roll for either poor attendance or because they were suspended at the time of the audit. Students at the elementary, middle years and secondary levels were removed from the nominal roll due to poor attendance. Many students returned in the second semester. The nominal roll audit had no mechanism to provide funding for these students. Students who were over twenty-one should still be funded for their elementary/secondary education because education was viewed as a Treaty Right. Concern was also expressed over the fact that there was no consultation with the First Nations in either the development of, or the implementation of, the nominal policy or the process.

Although the First Nations raised concerns with INAC over the nominal roll process, INAC remained firm in its position that audits would be completed on a yearly basis and that the practices would not change. A senior INAC official wrote that “The practice of conducting a compliance review of all nominal rolls each year is one which the Saskatchewan Region plans to continue, even though no other region conducts reviews of each school every year” (2001-11-02). This was justified through the allocation of resources which were scarce. Both INAC and the First Nations wanted an equitable distribution of resources (1999-00-00C; 2001-11-02); however, the manner of the distribution was the issue. INAC also pointed out that during the audit process, students were not only deleted, but were also added.

One of the First Nations again made a stance against the nominal roll. There was a request for INAC to treat the First Nations schools in a manner that is similar to the way the province treats its schools. A unanimous motion was passed to this effect:

“Moved that INAC eliminate the audit function from the nominal roll process; and that we move to the same process as used by the province of Saskatchewan in its September statistical report” (2002-01-31). This request was rejected by INAC. One INAC official said that INAC could follow the same process as the province; however, they would reduce the per student amount to compensate for the change (2002-02-16).

### **Policy Change on Teacher Certification**

INAC changed the nominal roll process for the 2003 to 2004 school year. Through their internal audits, INAC perceived a problem in terms of the quality of information they received in the area of teacher certification. There were “two developments that led to a requirement for enhanced reporting on teacher certification” (2003-09-18). These developments were a need for more accurate information regarding the salary of teachers so INAC could ask for more money from Treasury Board to pay for enhanced teacher salaries. The second development was a departmental audit of teacher certification. This audit raised serious concerns in regard to the quality of the teacher information obtained by INAC. There was no consultation with the First Nations in regard to this change in process.

Although First Nations leaders and their senior education administrators were concerned over the nominal roll process, in terms of deleting students, the change in teacher certification raised many questions from First Nation leadership. This concern was clearly stated in a letter sent to First Nations directors of education by a senior education manager in Saskatchewan. In part, the letter stated:

This year [2003] INAC has introduced a new section on ‘teacher certification’ as part of the reporting requirements. They are now requesting information on the number of teachers, certification, salary levels, years of experience, aboriginal status and employment status as part of the reporting process (2003-09-25).

There was no consultation with the First Nations and no previous explanation as to why this information was necessary. There is a lack of trust by First Nations toward INAC. “A number of our communities are naturally suspicious of what INAC will do with this information. This data could be manipulated to build a case for ‘fewer teachers’, ‘smaller budgets’ or other employment demands” (2003-09-25). The Chiefs of a First Nation organization recommended that the directors of education “not [to] submit the teacher information form to INAC until a collective position can be formulated” (2003-09-25).

This issue was further developed in additional correspondence from the First Nations to INAC. The Chiefs had concern over the process. It was reiterated that the process of the nominal roll was both wrong and possibly illegal. “The practice of auditing the schools and striking students from the count is wrong and is possibly illegal” (2003-10-06). The stance of the senior education manager was supported by the Chiefs of a region who also “ask[ed] their schools not to submit the teacher information form to INAC until a collective position can be formulated” (2003-10-06). The Chiefs also requested that an employee of a First Nation district education organization be present at the nominal roll audits and they “expect that the schedule of audits be done in conjunction with this individual and our community representatives” (2003-10-06). This same position was reiterated in a motion from a First Nation Organization (2003-10-23).

In response to this position, INAC said it respected the concerns raised and provided clarification. “The department understands the concerns of First Nations respecting the personal information of First Nation employees and students” (2003-10-

09). INAC consulted the Privacy Commissioner of Canada in regard to the requested teacher information, and was informed it had the right to collect the information; however, it could only be used for the intended purpose to compare First Nation teacher salaries, on an aggregate basis, to the provincial salary grids. The stated goal of the requirement for enhanced teacher information was “to collect statistical information in order to strengthen our requests for additional resources to support new and enhanced authorities for the Elementary/Secondary education programs” (2003-10-09). In response to the First Nation concern over the possible use of the information to reduce budget, INAC region gave the assurance that to their knowledge this would not happen: “I am aware of no communication put forth by the Department to suggest that the purpose of the enhanced reporting requirements is to justify a future reduction in program funding” (2003-10-09). The department also supported the request for the presence of a First Nation district employee to be present at the audit meetings; however, this individual was to serve “in an observer capacity at each on site audit” (2003-10-09).

This collective First Nations stance was also supported by individual First Nations. One of the First Nations in Saskatchewan passed a resolution not to comply (2003-10-17A), while another passed a band council resolution to the same effect (2003-10-16). The argument of both was similar in that the First Nation is the sole authority for education on reserve and the request for teacher information was an incursion into that authority. There was no consultation between INAC and the First Nations when the change in the nominal roll process was implemented. The schools were requested to withhold the information until a collective decision could be reached

and that “meetings to discuss changes be broadly focused and that consideration be given to the nominal roll process in provincial and other federal jurisdictions” (2003-10-17A).

The position of the First Nations in regard to this change in the nominal roll process resulted in a compliance rate of only 42 percent in one of the INAC Districts. Within that District, one of the sectors had a compliance rate of only 3.4 percent (2003-10-17B). Although there were threats of retaliation by INAC, the First Nations held their position. As a result of this action, the detail that was required in the 2003 audit was reversed and was reduced for the 2004 and the 2005 audits.

After the completion of the 2003-2004 nominal roll audits, INAC welcomed the presence of an employee from a First Nation organization being a part of the audit process. INAC also requested feedback from this person on the process (2003-11-23A). The department again provided assurances that the requirement for teacher information would not affect future funding (2003-11-24C) and acknowledged the concerns of the First Nations over the issue of privacy in the collection of teacher information (2003-11-24D).

The observers of the 2003-2004 audit filed a report with the directors of education. The observers indicated that there are two sides to the nominal roll process; however, the process was weighted in terms of INAC. The process itself is adversarial; this does little to enhance a positive working relationship. INAC is inconsistent in its expectations from the First Nations. In one case a Financial Services Officer (FSO) wanted class-by-class attendance from a school; however, the same FSO did not make the same demand in another school. Some FSOs wanted to see student registration with

Saskatchewan Learning at the secondary level; other FSOs did not make the same demand. These inconsistencies were attributed to different personalities of both the FSOs and the First Nations staff. Some FSOs had better relationships with some First Nations staff than with others. In addition, those First Nations who were better prepared had more success than others (2003-11-27).

The organization of the school was also a factor. At the secondary level, some schools operated on a semester system, others on a quad system and still others used a block system. There were similar expectations in terms of student registration in all three systems. The rate of student attendance was more stringent in the quad system and the block system than in the semester system. Some schools operated “store front” programs as retrieval programs for students who had poor attendance or who had serious social problems that prevented them from attending regularly in the traditional school setting. INAC did not recognize these programs for funding purposes. This presented problems, for many of these students are “the neediest and most vulnerable children, educationally and socially, in the community” (2003-12-02). Different schools had different methods of recording attendance. This presented problems when the FSOs did not understand the method of recording attendance. Some schools had education personnel who were skilled on-the-spot negotiators. These schools fared better in terms of retaining students on the nominal roll. The report concluded that “although on the surface the process appears to be a cooperative, collaborative effort to ensure First Nations receive funding to which they are entitled, it is, in fact, adversarial with power for decision-making in the hands of INAC” (2003-11-27).

The issue of deleting students from the nominal roll was brought forward again by the First Nations, for compulsory attendance was recognized by the Indian Act (1985). Since First Nations education budgets were based on the audited nominal roll of the previous year it was felt that the audit process of deleting students “is both unfair and illegal in that it prevents the First Nation from having the resources to counsel and establish retrieval programs for truant students” (2003-10-23B). INAC was therefore asked to “refrain from utilizing the current audit process which removes students from the Nominal Roll for the 2003/2004 school year; and move to a system which includes all reserve band members between the ages of 4 – 21” (2003-10-23B).

This was followed by a resolution that called for the establishment of a committee to research and to make recommendations to develop an alternate nominal roll policy. It was recommended by the First Nations that INAC should be a part of this committee, for this was to be in a partnership arrangement. It was viewed that both INAC and the First Nations “desire[d] to enter into a dialogue to develop a fair and equitable nominal roll process that maintains trust and accountability” (2003-12-02).

### **Legal Opinion**

The issues of the nominal roll prompted various First Nations to seek a legal opinion, both individually and collectively, on the issue of the nominal roll. This was accomplished through a motion that read “Moved... [that] in conjunction with other First Nations and/or the FSIN [we] get a legal opinion as to the legality of the current nominal roll practices” (2003-10-23). One of the First Nations in Saskatchewan sought a legal opinion on the nominal roll process that was being conducted in Saskatchewan. The legal review examined the nominal roll policy and procedures, the reporting

requirements and the comprehensive funding arrangement. The funding for education was based on the nominal roll for the previous school year and not on the current nominal roll. “The dollar figures included in the CFA for education are not based on the nominal roll for the current year, but are in fact based on the number of students at the school the previous year” (2004-01-08). “The nominal roll system was an annual census of Indian students living on reserve whose education was being funded by DIAND either directly or indirectly” (2004-01-08). The census date was September 30 or the last school day in September. The principal signed a “School Summary Nominal Roll Form” certifying the number of students enrolled in the school as of the census date. The Comprehensive Funding Arrangement (CFA) referred to the number of students funded based on enrolment, not on attendance. The provisions for a nominal roll audit were not included in either the First Nations National Reporting Guideline or in the Saskatchewan First Nations Reporting Guideline.

A second legal opinion had similar concerns with the nominal roll process. The legal brief stated several reasons for adopting the nominal roll system. The Nominal Roll System was easier to administer than negotiating individual budgets. The First Nation schools were to have more flexibility and certainty in the budget process. It was also “intended to provide more equitable funding between Bands” and “the nominal roll system was seen by DIAND as a fair and reasonable method of calculating education budgets” (2004-01-26).

### **The Problem in Action**

The Saskatchewan Region used the nominal roll process as a means to control its budget. The 2003-2004 nominal roll review removed 394 students from the nominal



roll due to poor attendance. This represented a cost saving of \$2,389,041.00.

According to senior INAC officials “The Saskatchewan Region is not able to consider including these students at the current per pupil allocation rate due to our current financial position in the program” (2004-02-20).

INAC also felt that secondary level students who did not attend at least 80 percent of the time would have little chance of passing. With this problem in mind, INAC set a stringent attendance criteria of 80 percent attendance at the secondary level as necessary for funding purposes (2004-02-20B). There were variances across Canada for attendance thresholds. Some regions have “attendance threshold from a low of 40% to as high as 80 percent” (2004-02-20C). There was “no national standard which provides guidance on this issue” (2004-02-20C).

It was recognized that not all students need to take 75 percent of the classes being offered in order to graduate at the grade 12 level. Both INAC and the First Nations saw this as a problem. INAC “agree[d] that those grade 12 students who are back on a part time basis to obtain sufficient credits in order to graduate should be counted on the nominal roll” (2004-02-20E).

The First Nations viewed consistency in the application of the nominal roll as a problem. INAC provided training to their staff on a yearly basis, for INAC regional personnel “meet[s] with the field officers annually prior to the nominal roll collection to discuss the regime” (2004-02-20F). They intended to continue this practice. In addition, INAC met with the principals in September prior to the nominal roll audit. This process was to familiarize the principals with the changes in the nominal roll

practice. INAC also supported the First Nation suggestion to hold an audit meeting with both the administrators and guidance counsellors (2004-02-20F).

The number of students dropped varied from district to district throughout Saskatchewan. In the 2004-2005 nominal roll audit, there were a total of 396 students deleted from the nominal roll. The deletions and additions for each tribal council region in Saskatchewan are illustrated in the table 8. Although 138 students were added to the student count, there were 534 students who were deleted through the audit. The difference between the deletions and additions represented a potential loss of revenue of approximately \$2,300,000.00.

Table 8: Nominal Roll Additions and Deletions 2004

Tribal Council	Number of Added	Number of Deleted	Totals
1	32	222	-190
2	10	38	-28
3	13	78	-65
4	20	21	-1
5	33	118	-85
6	15	13	+2
7	12	3	+9
8	3	41	-38
Total	138	534	-396

2004-09-00A

In 2005 some principals were instructed to review in detail the student attendance in all of the grades and for all of the subjects at the secondary level. Registers were to be checked at the school level for accuracy and to ensure that they were properly filled in. The reasons for student absences were to be reviewed for accuracy, for INAC would fund students who were sick or who were practicing in traditional activities; however, if these students were marked with an “A” for absent, INAC would delete them from the register (2005-11-13). This activity was followed up with a complete audit of all of the schools of the First Nation. With this close scrutiny at the local level, there was a net increase in the number of the students who were on the final nominal roll count. This also illustrated the differences in the audit practices of the FSOs. The FSO for the 2005 audit was new to the schools. Previous history indicated that there was a traditional deletion of approximately 5% of the students every year. Although the audit team of 2005 included local education staff in addition to the INAC staff, only the INAC staff were indicated as being the nominal roll team (2005-11-17 & 18A; 2005-11-17 & 18B; 2005-11-23A; 2005-11-23B; 2005-11-23 & 24A; 2005-11-23 & 24B) . In previous years, all who participated were listed as team members.

The Funding Service Officer [FSO] leads the nominal roll process and had an impact on the final count based on attendance. In one of the districts, there were variations in the number of students who were deleted from the schools depending on the financial services office who conducted the nominal roll audit. Table 9 compared the percentage of students who remained on the audit, compared to the initial band submissions. The variations ranged from 94.58 percent to 99.57 percent. FSO number

Table 9: Percentage Comparison of Audited Numbers to Submissions

FSO	Audit/Submission
1	95.05%
2	95.33%
3	94.58%
4	96.04%
5	97.12%
6	97.33%
7	99.57%

2004-09-00B

7 removed less than one percent of the students from band submission, while FSO number 3 removed 5.42 per cent of the band submission from the final nominal roll count.

### Summary

The nominal roll was identified as a problem by both INAC and the First Nations, whether through individual First Nations or through the aggregate of a tribal council. INAC identified the problem as one of finance and compliance. The First Nations identified the problem as a breach of the Treaty Right to an education.

## **CHAPTER SIX**

### **THE NOMINAL ROLL AS AN ISSUE: THE POLICY AND THE POLITICAL STREAMS**

Specialists comprise policy communities in a given policy area. “In any one of these policy areas, specialists are scattered both through and outside of government....[government committee staffs, government staff agencies, planning, evaluation, budget offices, academics, consultants, interest groups]” (Kingdon 1995, p. 117). Specialists share a common concern with a policy problem and interact with one another over the problem and policy. “This community of specialists hums along on its own, independent of such political events as changes of administration and pressure from legislators’ constituencies. These professionals are affected by and react to the political events, to be sure. But the forces that drive the political stream and the forces that drive the policy stream are quite different; each has a life of its own, independent of the other” (Kingdon 1995, pp. 117-118). Some of the communities of specialists are tightly knit while others are fragmented.

#### **The Nominal Roll as a Policy Issue for INAC**

INAC had a fiduciary responsibility and a legislative mandate to provide an education for First Nations students. INAC needed a process in which to carry out its responsibility and the process that was developed was a student census of on reserve students, known as the nominal roll. The nominal roll was, thus, a list of on-reserve

elementary and secondary students whose education was funded by Indian and Northern Affairs Canada.

***Regional Guidelines 1993-1994***

The regional and district staff developed procedures to implement the nominal roll process. It was the job of the district staff to “ensure that all students on the nominal roll have reserve residency” (Regional Guidelines for the 1993-1994 Nominal Roll Audit). There were two other mandatory requirements in the Regional Guidelines for the 1993-1994 Nominal Roll Audit. These were: “District staff will ensure that all students on the nominal roll are attending full time by September 30 and are in programs approved as elementary and secondary programs by Saskatchewan Education” and “Documentation of the above must be made available”.

An audit team conducted the audit. The team was to be composed of a person from education, the funding service officer who was responsible for the band, and a band representative. All of the teams were to follow procedures that were discussed by INAC officials. There was no indication in the documents that there was any involvement by the First Nations, either individually or collectively, in determining the procedures. The district staff, through directions from the regional staff, was to lead the nominal roll audits. All classroom registers were to be examined and compared to the nominal roll data that was submitted. In addition, all classrooms were to be visited by the audit team. Both students present and students absent on the day of the audit were to be noted. The audit chairperson was also required to sign the classroom registers.

Any deviations from the existing enrolment were to be documented. The suggested procedures did not define what was meant by the term “deviations from

existing enrolment”. The classrooms teachers may be required to explain any discrepancies that the audit team notes. Attendance for both the months of September and October were to be examined. All student absences at the time of the visits were to be documented. All students were to have their residency checked by cross-referencing their residency, as of September 30, with social development. In addition, every fifth child who was absent on the day of the audit was to have his/her residency checked. All students were to be registered on September 30 and had to have an acceptable pattern of attendance, with a minimum of ten days attendance, with the exception of Kindergarten which may begin towards the end of September. The suggested procedures stated that “the band officials can be very helpful” in verifying residency.

Program offerings were to be reviewed. Students at the division four level must be registered in a minimum of six classes for the school year or three classes per semester before they could be considered for the nominal roll. Secondary level registration forms must be made available for the audit team to examine. These forms “may later be cross checked by region and Sask. Education” (1993 Regional Guidelines for 1993-1994 Nominal Roll Audit).

The nominal roll guidelines for 1993-1994 clearly indicated that INAC at both the regional and district level were the main players in the subgovernment. The attentive public identified was the students, the teachers and the band officials, who were a part of the team, but who had no part in establishing or in direct implementation of the policy.

The Coding Instructions for the 1993-1994 Nominal Roll stated six purposes for the nominal roll:

(1) As a basis for obtaining funds for the elementary and high school education programs; (2) As a basis for allocating resources to the regions using departmentally approved resourcing formulae; (3) As a justification for the expenditure of capital funds; (4) As a managerial tool for various types of policy and planning decisions; (5) As a general assessment of educational progress; [and] (6) As a resource for educational statistics.

From INAC's perspective, the nominal roll was for the management of educational programs, was to be in compliance with the Saskatchewan Regional Nominal Roll Policy and was to be in compliance with the funding agreements.

The nominal roll policy FS-ED-23 for the Saskatchewan Region was developed in 1992 and first revised in 1993, with a subsequent revision in 1997. There was no available documented evidence of First Nations involvement in the development of these guidelines or their revisions. The policy reiterated the purpose of the nominal roll for data gathering but also indicated that the purpose is to "define...student eligibility for the Regional Nominal Roll" (1993-08-00A). The First Nation was responsible for the completion of the nominal roll for their eligible students, and to confirm "the accuracy and eligibility of the student information" (1993-08-00A). The other factors in the policy were all INAC directed.

### ***National Guide for Checking the Nominal Roll***

In 1995 INAC Headquarters issued a regional guide for checking the nominal roll. This guide resulted from a review of the nominal roll procedures by the Departmental Audit and Evaluation Branch in 1994. This audit revealed inconsistencies in conducting the nominal roll throughout the country. This guide was developed with "input from the regions" (1995-07-31). The 1997 Guide for On and Off Reserve Nominal Roll consisted of three phases to check data. Phase I was performed in the regional offices for off-site checks. Phase II consisted of on-site checks and was to



apply to all types of schools that received funding from INAC and were to be conducted in one-third of the schools each year. It was recommended that the review team should include “a regional education expert, the appropriate Funding Service Officer, and a band representative. In addition, there should be a team leader who has some independence from the findings so as to appear to be in no conflict of interest” (1995-07-31). Phase II was to serve as a “check to the Nominal Roll against the school registry” (1995-07-31). Phase III was to review all data to catch any errors. These “procedures for measuring the accuracy of data...were developed in cooperation with regions” (1995-07-31). The Regional Guide for On and Off Reserve Nominal Roll had little effect on the Saskatchewan Region Nominal Roll Policy or on the Saskatchewan Region Guidelines. The only addition to the Saskatchewan Region Guidelines was a reference made to apprehended students, for “Children who are apprehended by social services and placed off reserve, students who are incarcerated, students who might return for the second semester, etc. are not to be put on the nominal roll” (1997-00-00). The coding instructions instructed the bands to “be sure to account for all students who live on reserve regardless of where they attend school” (1997-00-00).

### ***Special Needs Students***

All students, including special needs students, were to be entered on the nominal roll. The nominal roll was to be conducted on a yearly basis. Students who were funded through high cost special education were expected to have a pattern of attendance that is beyond that of students who were just funded through the regular nominal roll process. These students had their attendance checked through the nominal roll count in October or November. In addition, they had their attendance checked

through annual special education program reviews and through monthly reports. If these students ceased to have a regular pattern of attendance throughout the school year, their special needs funding was stopped. In a letter from INAC to a school principal, an INAC official wrote: “The files for the six students on last fall’s nominal roll were reviewed....it appears that only one student...is still attending your school on a regular basis...This is completely unacceptable” (1998-05-19). The reviewer indicated that the parents should be informed that attendance must improve or funding would be withdrawn. These reviews occurred any time during the school year (1998-05-15; 1998-05-19).

### **The Nominal Roll as a Policy Issue for First Nations**

Various First Nations within the province of Saskatchewan passed a joint resolution that INAC refrain from utilizing the nominal roll system as it existed. The First Nations viewed the existing INAC nominal roll policy and the implementation of that policy as being both unfair and illegal. The resolution sought a change on the part of INAC. The motion asked that “INAC refrain from utilizing the current audit process which removes students from the Nominal Roll for the 1999/2000 school year; and move to a system which includes all on reserve band members between the ages of 4-21” (1999-00-00). An individual First Nation stated a similar case when it wrote: “We take offence at the nominal roll procedure in general. There are more efficient ways to ensure that students are not included on more than one nominal roll. It is time for stakeholders (INAC and First Nation organizations) to sit down and determine a fair and equitable process that will ensure that students are counted properly and that they

receive their appropriate funding for their inherent Treaty Right to education” (1999-00-00C).

***Problems Based on First Nation Funding Methodologies***

This funding methodology also presented a problem to bands which were funded through a Flexible Transfer Agreement (FTA). In this agreement, a base year was used to establish a base-line for the nominal roll. Every year, the education budget was determined from the base line and indexed on both price and volume. This process did not take into account either increases or decreases in student enrolment. Those bands that have experienced growth based on new reserve creation or new housing were at a disadvantage for the funding did not keep up with the educational demands. This position was clearly stated in a letter from INAC to one of the First Nations bands covered by an FTA agreement. The letter, in part, stated: “It is not the intention of the department to include resources based on projections of growth, but to include base funding in your agreement in accordance with the FTA indexing methodology. Growth experienced as a result of new or renovated housing in any of your communities, be they new or old, will occur whether your First Nation operates under a CFA or FTA arrangement or whether or not Treaty Land Entitlement reserve land is added” (1999-05-19). This was further clarified by INAC in a letter dated January 27, 2000. A senior INAC official wrote: “The principal [sic] of the FTA agreement is to provide overall indexed growth for all programs and the flexibility to prioritize the allocation of resources internally. Additional resources would not be considered by the department for the education program specifically, even if there appeared to be a shortfall in the program through a CFA comparison” (2000-01-27).

Under the FTA agreement, INAC did not provide additional resources to a First Nation even if they would be entitled to those resources under a CFA. The nominal roll in these instances was used for the allocation of other resources to the Saskatchewan Region that were based on student enrolment. The nominal roll also impacted the allocation of teacherages and will impact the allotted space for a school. An increase in the nominal roll could increase the space requirements for a school without a corresponding increase in the education budget to deliver the increased education program.

***First Nations Concerns and INAC's Response***

The First Nations organizations in Saskatchewan expressed their concerns regarding the nominal roll process. In a letter from INAC to a senior First Nations political leader, INAC defended its position and discounted the position taken by the First Nations on major issues. INAC, however, agreed to some minor changes. In 2000, INAC agreed to change the school structure from the division system to elementary, middle years, and secondary. INAC also agreed to recognize a computerised system for the nominal roll collection at the school level for attendance purposes.

INAC reiterated the First Nations concerns regarding the nominal roll process, both in terms of verification and in terms of attendance criteria. INAC acknowledged that First Nations “feel that all students should be included on the nominal roll regardless of attendance and that an audit of the nominal roll is unnecessary and could be replaced with verification from a First Nation representative” (2000-06-13). INAC, however, would not change their policy. INAC wrote:

Verification or audit of the nominal roll was implemented in the Saskatchewan Region seven or eight years ago to ensure eligibility and equitable distribution of resources among the First Nations. This has now become a national requirement. Although the frequency of the national verification regime for nominal roll is one third of the First Nations per year, the Saskatchewan Region continues to require full verification each year. The process continues to establish a requirement to adjust most nominal roll submissions in accordance with eligibility criteria. This also ensures that elementary/secondary funding is being allocated fairly to all recipients as it is based on the same data. (2000-06-13).

INAC summarized the crux of the problem over the issues of distrust and the removal of students who are most in need of help. INAC wrote: “The crux of the process as outlined seems to stem around a sense of departmental distrust of First Nations nominal roll submissions and the feeling that the deletion of students who require additional staff and programming are the ones removed from the nominal roll” (2000-06-13). INAC did not view the nominal roll criteria “as a definition of students that are eligible to attend school” (2000-06-13). The nominal roll criteria were viewed by INAC “as a means of distributing resources equitably among First Nations. The criteria provided a means to ensure everyone is receiving resources on the same data definitions” (2000-06-13). Thus, according to INAC, the criteria for the nominal roll were to serve as a mechanism for the distribution of resources and were not entitled to serve as a criteria as to who can attend school.

INAC admitted that the resources for education may not be sufficient to meet student needs within the First Nations communities, for “current resources allocated for elementary/secondary education may not be sufficient for all the needs demonstrated by the students First Nations’ governments serve” (2000-06-13). The education resources received by INAC Saskatchewan Region could not keep up with the increase in the nominal roll. This problem was solved through the deletion of students from the

nominal roll and through the use of other general regional resources for education (2000-06-13).

In 2000, INAC, however, conceded two items brought forward by the First Nations Directors of Education. The First Nations Directors of Education were concerned over the removal of students from the nominal roll who practice traditional activities that keep them away from the school and that a team approach should be used in the nominal roll process, if the process was to continue. On the first issue, INAC assured the First Nations “that students who have traditionally been absent at the start of the school year because of seasonal employment or traditional pursuits, and attend school regularly thereafter, will be included” (2000-06-13). INAC also agreed to allow a representative from a First Nations organization to attend the nominal roll review meetings for “this would provide a better forum to discuss the individual cases and reach an agreement on inclusions. We [INAC] hope this would lead to more consistency between First Nations and result in more equitable distribution of resources” (2000-06-13). This contradicted INAC’s statement that everyone was receiving resources on the same data. A First Nations organization summarized the above letter to the First Nations Directors of Education by stating that the official response from INAC Saskatchewan Region was that there was not enough money to go around and that the nominal roll process was to “ensure an equitable distribution of resources” (2000-06-20).

### **Financial Constraints and Policy Implementation**

The continuing increase in student population in First Nations schools in Saskatchewan placed a strain on the budget. The yearly increases in the student

population were more than anticipated by INAC. In 1999 the increase in the student audited numbers in Saskatchewan was 5.5 per cent, while the funding increase from Headquarters, which is based on volume and price, was two percent. As a result of the change in the funding methodology from Headquarters the “Saskatchewan Region does not have the fiscal resources within the program [elementary/secondary education] for price increases (2000-10-16).

In view of the fiscal constraints faced by INAC Saskatchewan Region, INAC maintained the practice of implementing a 100% compliance review for the nominal roll. A letter from INAC stated: “By maintaining 100 per cent compliance of the nominal roll, we [INAC] will also ensure that there is consistency in the allocation of funding for the elementary/secondary education program for all First Nations” (2001-08-21). At the same time INAC indicated that they would welcome the involvement of the Directors of Education in the nominal roll process. “The Saskatchewan Region recognizes that consistency in applying the rules for inclusion of students on the nominal roll is important and welcomes involvement of the Directors of Education [First Nations Directors of Education] in the review process” (2001-08-21).

The policy issue of the nominal roll was addressed at the table of Chief and Council of a First Nation in September 2001. The Approved Education Program Manager for the First Nation presented the procedure that INAC used in the nominal roll process and noted that this is not the procedure used by the province for the September 30 statistical count. The report to Chief and Council stated: “we find this [INAC’s nominal roll policy] to be discriminatory for the province does not do this. The province reports on the number of students [enrolled] by age and by grade and

gender” (2001-09-00). The response of the Chief and Council was to direct the education technicians to draft a procedure for the First Nation to use in the establishment of their nominal roll. The First Nation technicians instructed their principals to enter all students who are of the proper age to attend school on the nominal roll and to counsel all students who were sixteen years of age or over and who had not yet attained a grade 12 standing to enrol in school so they could be entered on the nominal roll (2002-10-00).

One of the First Nations organizations in Saskatchewan also pressed the issue of the nominal roll policy. INAC’s reply was they would neither change the nominal roll policy nor change the practice of implementing the nominal roll policy. “The practice of conducting a review of all nominal rolls each year is one which the Saskatchewan Region Office plans to continue, even though no other region conducts reviews of each school every year” (2001-11-02). INAC justified this position on the scarcity of financial resources, for they wrote:

Resources for Elementary/Secondary Education are scare. In order to assure ourselves and each First Nation that these resources are allocated equitably, compliance reviews are necessary. It is our experience that a substantial number of students are added as well as removed during the nominal roll process each year (2001-11-02).

One of the First Nations organizations followed this with the development of their own policy for INAC to implement. This policy was similar to the INAC policy, except the date for the nominal roll was changed to one month after the opening of school rather than September 30 and the attendance requirement was to be lifted. There was also a change in the mandatory number of secondary level credits per semester to acknowledge those schools that operated on a quad system (2001-01-16).



The composition of the audit team varied from school to school. In all instances, however, the audit team was chaired by INAC personnel, typically the Funding Services Officer who was assigned to that particular community. Generally the school principal was involved in the nominal roll process. For the audits that were conducted in one of the districts during the 2003-2004 fiscal year in twenty-eight schools, the principal was present in all reviews except two. Other First Nation representation was substantially less. In only five cases was the senior education management present. The guidance councillors were present in only seven cases. In two cases, the local education committee had representation (2004-09-00).

### **Teacher Certification 2003**

There was one significant change in the 2003-2004 guidelines for conducting the nominal roll. This was the first year that schools were required to submit detailed information on the staff working in the school. Before 2003, principals were required to sign a declaration form stating that all professional staff were certified to teach in the province in which the school was situated and that the curriculum taught in the school followed the curriculum of the province. In 2003, this was changed to include the name, certificate number, qualifications, and years of experience, salary, gender and ancestry for each professional staff member. In addition, INAC required a listing of all staff employed in the school with their job title, salary, experience, gender and ancestry. There was no consultation with the First Nations in regard to this change. INAC's explanation for this was that they were reacting to the recent audit of teacher certification; however, no one in the INAC region was able to produce a copy of the audit on teacher certification or had seen a copy. Other arguments from INAC

Saskatchewan Region were that they needed this information to help to close the salary gap between teachers in First Nations schools and their counterparts, they could use this information to determine what type of professional development was needed, and they wanted to know the qualifications of non-certified staff who were teaching. In a letter from INAC to the First Nations (2003-09-06) INAC stated that “we require this information to respond to the recent ‘Audit of Teacher Certification’”.

These additional criteria that were set by INAC were in contradiction of their own guidelines that were established for the nominal roll audits for the 2003-2004 fiscal year. Their guidelines made reference to the previous procedure of the principal certifying that all staff who are teaching are provincially certified. This was also reiterated in the Comprehensive Funding Agreements and the Third Party Management Agreements which stated that the following was required for reporting purposes: “The Council [Chief and Council] shall provide the Minister with an Annual Certification of Teachers and Curriculum Report prepared by the principal...that all classroom teachers and the principal possess teaching certificates that are current and valid in the province and that the curriculum used in all grades meets basic provincial requirements” (Third Party Management Funding Arrangement).

INAC reiterated the role for itself, the First Nation and the school in the implementation of the nominal roll policy. These roles were defined by INAC, without input from the First Nations. It was the responsibility of the First Nations to “ensure that registered Indian students ordinarily resident on reserve or on lands belonging to Her Majesty in Right of Canada or a Province or other students for whose deduction the Minister accepts responsibility have access to” (Third Party Management Funding

Arrangement) instructional services in either a band operated school or a provincial school.

***First Nations Response***

The Chiefs of one of the provincial First Nations organizations expressed their concern with the changes that were implemented without either their input or knowledge. Their concerns centred on non-involvement in the policy decision and in their distrust of INAC. In a letter to INAC, the Chiefs stated they had concerns over the past several years with the nominal roll process. They regarded the request for additional teacher information as an infringement of their rights as employers. They wrote:

This year [2003] INAC has introduced a new section on ‘teacher information’; as part of the reporting requirements [for nominal roll]. Information on the number of teachers, certification, salary levels, years of experience, aboriginal status, and employment status is being required. INAC must understand these are First Nations employees. This information belongs to the First Nations Education Authority. A number of our communities are naturally suspicious of what INAC will do with this information. This data could be manipulated to build a case for ‘fewer teachers’ and ‘smaller budgets’ or other employment demands (2003-10-06).

INAC replied to these concerns, first by acknowledging the concerns raised and then by justifying the changes that were made. An INAC official wrote:

The Department [INAC], through consultation with the Assembly of First Nations is working to redesign and renew the Elementary/Secondary Education Program and ultimately the renewal of program authorities from Treasury Board. I am aware of no communication put forth by the Department to suggest that the purpose of the enhanced requirements is to justify a future reduction in program funding. Headquarters representatives of the Department have confirmed that the goal of the enhanced reporting is to collect statistical information in order to strengthen our request for additional resources to support new and enhanced authorities for the Elementary/Secondary Education Program. (2003-10-09)

In additions, the Chiefs on one of the First Nations organizations instructed the education managers to withhold the new and extra information required under the new nominal roll guidelines. INAC's response to this was to threaten the First Nations who did not comply with the requirement to supply the necessary information. In a letter to the First Nation organization, INAC wrote:

In terms of your comments regarding the...Chief's instructions to each Education Authority, it should be noted that the enhanced reporting requirements, including the section on "teacher information" are mandatory....First Nations should be aware that non-compliance with program reporting is identified as a default to their respective funding arrangements. (2003-10-09)

The Chiefs also requested that they have a representative present when the nominal roll reviews were conducted. INAC's response to this was favourable; however, the Chief's representative was to be an observer only. INAC wrote: "The Department welcomes the presence of a Tribal Council employee serving in an advisory capacity at each on-site audit" (2003-10-09).

The Chiefs also viewed the practice of INAC auditing the First Nations schools and not the provincial schools as being unfair. INAC responded by stating that provincial school audits were completed in some school systems, but not in all. They indicated that "we will be initiating a nominal roll verification process for all provincial schools (and some private schools) in the District this fiscal year" [2003-2004] (2003-11-24). Some of the audits were completed during the 2003-2004 fiscal year. INAC was also willing to allow First Nations representatives to attend these meetings as observers if the provincial schools agreed (2003-11-24).

Some of the First Nations sought legal opinions on the nominal roll issue. In a legal briefing presented to a First Nations organization, it was noted that "since the

1980s, the DIAND regional office [Saskatchewan] has conducted nominal roll audits based on attendance rather than enrolment numbers” (2004-01-26). INAC’s policy was, thus, to fund students who have an established pattern of attendance rather to fund students who are enrolled. Another First Nation sought a legal opinion on the enhanced reporting requirements of the nominal roll in regard to teacher information. The legal opinion stated that “the request from the Saskatchewan Region [for additional teacher information as a part of the nominal roll process] was not covered in the National Reporting Guidelines ...[and] is contrary to the National Guidelines” (2004-01-08). This issue was presented to other First Nations organizations in Saskatchewan for their support. There was also another request from the First Nations that students over the age of twenty-one should be funded. Currently students who turn twenty-one before December of the school year are ineligible for funding, even if they are twenty when they enrol (2004-01-28).

### **Nominal Roll Committee**

A First Nations Nominal Roll Committee met with INAC in June 2004. The nominal roll committee recommended that nominal roll audits should be conducted in conjunction with the school reviews, which are held once every five years. INAC was concerned over the growth in the nominal roll in the years where there was no formal audit. As a result of the discussions, it was agreed that an audit should also be held if a school showed growth of five per cent or more in any one year. It was also agreed that INAC should meet with both the Directors of Education and the principals in the various schools to discuss the nominal roll process on a yearly basis (2004-06-22).

INAC provided a summary letter to this meeting. The letter indicated support for meetings with the Directors of Education, principals, and INAC FSOs to discuss the nominal roll policy. This letter, however, indicated that the changes to the policy are INAC's initiative. The letter stated:

It should be noted that prior to the collection of nominal roll data, that start up meeting with both the FSO's, who will be conducting the audits, as well as Directors of Education and principals needs to continue so that everyone is aware of any changes to the process and are especially aware of the criteria for inclusion of students on the nominal roll prior to submission. (2004-09-23)

The INAC officials – the FSOs – would inform the Directors of Education and principals of any changes.

The same letter reiterated the stance of INAC – Saskatchewan Region – on an established pattern of attendance. In addition, the criterion of attendance on the last open school day of September was stipulated, for “The Saskatchewan compliance review regime required that a student attend a minimum of ten days in September and be in attendance on September 30 in order to be included on the nominal roll” (2004-09-23). In addition, students were to be in attendance for a minimum of ten days in September; however, if students registered late in September, the October attendance would be examined to establish “an acceptable pattern of attendance of 10 days in October” (2004-09-23). The letter continued that “The criteria that would be used for the inclusion of a student on the nominal roll would be the same as required by the National Elementary/Secondary Education Guidelines which is that the students must have an acceptable attendance of 10 days in September and be in attendance on September 30<sup>th</sup>” (2004-09-23). Although the National Elementary/Secondary

Guidelines for Education stated that the students must have an established pattern of attendance, there is no indication what this attendance pattern should be.

The Nominal Roll Committee also suggested that the eighty per cent attendance criteria be removed at the secondary level. Previously, if secondary students did not have an established pattern of attendance of at least eighty percent in each subject in which they were registered, the subject was removed for nominal roll purposes. The eighty percent threshold was used for it was believed that students who did not attend at least eighty percent of their classes would not be successful in obtaining credit (2004-02-20). The Nominal Roll Committee suggested that fifty percent criteria should be used. This was agreed to by both the First Nations and INAC. In addition, all secondary level students had to enrol in at least six classes for the school year or a minimum of 75% of the classes offered at the particular grade level. This choice was at the discretion of the FSO.

The cycle of audits was also discussed. The minutes indicated that it was agreed that the audits would be conducted once every five years and that the audit was to be a part of the school review cycle. This would be “in accordance with the national guidelines of every five years” for the audit (2004-06-22). National guidelines, however, call for a nominal roll audit once every three years. The preferred option, as indicated in the minutes of the Nominal Roll Committee meeting was an audit every five years to coincide with the school review and that all students would be counted. Two other options were also discussed. One included that a five percent increase in the nominal roll over the previous year would trigger a nominal roll audit. The second option was “the tribal council growth rate would be used in the allocation of

elementary/secondary funding for the years between the nominal roll” audit. INAC, however, indicated that their preferred option was the five per cent trigger.

The issue of funding of all students who were enrolled was also discussed in detail. INAC indicated that there may be a reduction in the level of per student funding if this occurred; however, they cited two benefits: (1) “The inclusion of all students on the nominal roll would reflect all students that the schools deal with” and (2) “A secondary benefit would be that the nominal roll in Saskatchewan would be similar to other regions and any allocation of funding for programs that use the nominal roll as an allocation data base would benefit Saskatchewan” (2004-09-23). This was an acknowledgment that the nominal roll is used as a method to redistribute resources through limiting the number of students, or possibly through a reduction in per student funding. In addition, it was noted that the nominal roll data is used as a basis to fund other programs and that currently the Saskatchewan Region is suffering due to the format used.

#### ***Changes in Nominal Roll Guidelines 2004***

The suggested changes were to be presented to the First Nations Directors of Education at the provincial level, and then to the Education Secretariat of the Federation of Saskatchewan Indian Nations. INAC was also to review these proposed changes with the Regional Executive Review Committee which made the final decision. Their decision, as illustrated through the guidelines for the 2004 nominal roll audit, was to audit schools on the following basis: once every three years, or those schools with a four percent increase in nominal roll or those schools that were slated for construction or renovations. The attendance pattern at the secondary level was changed to fifty



percent. The issues of poor attendance and the funding of over-aged students were referred to the review of the Band Operated Funding Formula.

There was a change in the wording of the Comprehensive Funding Agreement.

Prior to September 1, 2004,

The Council [was to] ensure that registered Indians ordinarily resident on reserve or on lands belonging to Her Majesty in the Right of Canada or a province/territory or any other students for whose education the Minister accepts funding responsibility, have access to one or more of the following:

- (a) instructional and support services in a band school that provides provincially recognized programs of study and employees only provincially certified teachers;
- (b) instructional services other than classroom instruction in a federal school; and
- (c) instructional services (regular tuition and ancillary services) and education instructional support services (advice, and assistance, and committees and boards) in a provincial school.

Effective September 1, 2004, the Council was also required to “ensure the elementary/secondary education funds are administered in accordance with the DIAND *Elementary/Secondary Program Guidelines*, as amended from time to time. The education standards in band-operated schools were to “allow students to transfer to an equivalent grade in another school system of the province” (2004-04-01). The national guidelines were to be enforced and were a part of the CFA.

Some schools were organized around the block system to deliver classes at the secondary level, where classes were taught for half a day for nineteen days straight or where a quadmester was used. This arrangement presented problems for INAC because their established procedures did not consider arrangements other than full year classes or classes taught on a semester basis. The Directors of Education for the First Nations schools presented their concerns to INAC in regard to students being deleted for not being registered in seventy-five percent of the classes at the secondary level or for not

being in attendance for the first block. INAC responded by agreeing to “rely on attendance records available at the time of the audit (2004-02-20). In addition, INAC stated “that will include allowing students who are registered in upcoming blocks to remain on the nominal roll even if they have not attended the first block” (2004-02-20).

Store front or retrieval programs were another issue. Many schools used these programs to bring students back into the system. INAC, however, did not recognize these programs for funding purposes. INAC argued that store front programs focus mainly on adult basic education programming, which is within the domain of Human Resources Development Canada. In addition, INAC argued that Treasury Board does not authorize it to fund store front programs.

The *First Nations Nominal Roll Guidelines* for the 2004-2005 fiscal year stated that “INAC has interim authority to provide funding for all elementary/secondary students who are ordinarily resident on reserve” (First Nations National Reporting Guidelines, 2005-2005). The interim authority was up for renewal in 2005. Therefore INAC required more information on the nominal roll than in the past, especially in regard to non-registered students. As a part of the nominal roll process, INAC also required more detailed teacher and curriculum information. INAC justified the need for more information as a basis to request additional funds from Treasury Board for teacher salaries and for teacher training and professional development.

As a result of some of the discussions regarding the changes in the nominal roll, some changes occurred in the nominal roll process and INAC provided a set of clarification points for the 2004-2005 nominal roll process. There was a new definition of full-time student at the secondary level. Part-time students were students who were

not registered in at least seventy-five percent of the classes at the grade 12 level. These students are funded on a half time basis and must be in grade 12 (2004-09-00C).

Students were to register in seventy-five percent of a full year program. Students who registered in the block system were to be registered for the entire year. Computerized attendance sheets were acceptable provided they were signed by the teacher. All secondary level students were to be registered with Saskatchewan Learning. The category SS referred to students who are in non-graded classes at the elementary level. Apprehended students were not to be included on the nominal roll. Store-front programs were not recognized, and funding was available for home-school students. Students who were included on the nominal roll were to be registered in programs approved by Saskatchewan Learning at the elementary and high school level (2004-09-00C).

INAC stated that the nominal roll served several purposes: (1) it was used to establish funding levels ; (2) INAC Headquarters used the nominal roll as the basis for the allocation of funding to regions; (3) it provided a justification for the expenditure of capital funds; (4) it served as a managerial tool for policy and planning; (5) it provided a general assessment of educational progress; and (6) it served as a resource for educational statistics (2004-09-00D letter from INAC).

The *First Nations Data Collection Profile 2004* stated that the Elementary/Secondary Education (ESE) Program has evolved over time because of government policy and operated under the broad authorities provided through the *Department of Indian Affairs and Northern Development Act*. “Eligibility applies to Indians and Inuit normally resident on reserve or Crown land” (2004-11-00). The

nominal roll was an information data base used to conduct an annual census of students whose education was either directly or indirectly funded by INAC. To be eligible for inclusion on the nominal roll, students had to be ordinarily resident on reserve “ with elementary and secondary programs comparable to those required by provincial schools by statutes, regulations, or policies of the province in which the reserve is located” (2004-11-00). In addition, Councils were to ensure that students normally resident on reserve have “access to instructional and support services” (2004-11-00). INAC also stipulated that “eligibility for inclusion on the Nominal Roll and regular school attendance are required for students to be funded” (2004-11-00). This implied that students were eligible to be included on the nominal roll if they are ordinarily resident on reserve; however, they were not eligible for funding if they did not have a regular pattern of school attendance (2004-11-00).

The nominal roll process also allowed for complementary tuition funding for provincial schools. This money was to provide services over and above those offered through regular tuition. Previously, the complimentary tuition dollars flowed through the band who then worked with the provincial schools to provide these services. During the 2004-2005 fiscal year, INAC reversed this policy to flow funds only if there was a written agreement between the band and the provincial school system. The First Nations viewed that they were at times able to provide these services better than the provincial school system. INAC agreed to allow this request provided there was no prior agreement between the provincial system for extra services and if the band submitted a formal plan (2005-02-25).

### **The Political Stream**

The political stream flows alongside, but independent of, the problem stream and the policy stream. Kingdon (2000) listed several components of the political stream. They are: “public mood, pressure group campaigns, election results, partisan and ideological distribution [in government] and changes in administration” (p. 145). “Developments in the political stream have a powerful effect on agendas as new agenda items become prominent and others are shelved until a more propitious time” (p. 145).

Over the period of this study, several reports and research projects affected the political stream. These research projects were initiated by the government, and included the audit of the nominal roll process; the auditor general’s reports of 2000 and 2004, the minister’s task force, the compliance directives from headquarters, the audit of teacher certification, and the results accountability framework. These studies and reports, at the marco level, impacted the policy process at the meso and micro levels.

#### ***Audit of the Nominal Roll System 1993-1994***

The Departmental Audit and Evaluation Branch for 1993-1994 conducted an audit of selected data banks of the Indian Registry System (IRS) and the Nominal Roll System (NRS). The audit entry stated:

The NRS provides a mechanism for regions, districts and schools, to undertake an annual census of Indian students, attending primary or secondary schools, whose education is being funded either directly or indirectly by the Federal Government. The NRS data is used to allocate resources to regions and First Nations in order to fund elementary/secondary education, Information from the NRS is also used in the forecast of long-term funding requirements and provide educational statistics of a non-financial nature for the Department of Indian Affairs and Northern Development (DIAND). Information is also used as a managerial tool for various types of policy decisions and the general assessment of educational programs. Several directorates in Corporate Services make use of NRS data for budgeting and payments” (p. i)

There were two major findings of the audit. First, the reliability of the data in the NRS was questionable. Second, the efficiency and effectiveness of the nominal roll process was questioned. The use of computers [in 1993] led to a shorter time span for the nominal roll to be compiled. In addition, accountability for accuracy was clearly communicated. The executive summary listed three levels of accountability: (1) it was the responsibility of the band to provide accurate residency data; (2) school were responsible to provide accurate enrolment statistics; and (3) DIAND was responsible to accurately register the data. The implementation of this process was criticized for “there is no consistent monitoring process... to corroborate the nominal roll data” (p. ii) and to “determine whether potential registrants meet the key eligibility criteria” (p. 2). The purpose of the audit was to validate the accuracy of the data from the schools and the bands; however, there was no mention of the bands verifying the accuracy of the registration of the data from by DIAND. Without on-site visits, DIAND feared there was “the risk of inappropriate funding allocations” (p. ii). Regional managers were reluctant to conduct on-site audits for they were “reluctant to break established relationships” (p. ii). According to the Nominal Roll System Audit Report, there were four items that contributed to the rationale to conduct on-site visits: (1) “improve our accountability regime; (2) be an important pre-requisite to community based funding and further devolution of services; (3) result in savings; and (4) be used to improve the department’s position to defend this information against the possible risk of inappropriate funding allocations” (p. ii).

The second finding was in relation to the efficiency and effectiveness of the nominal roll process. The audit reported that the statistics produced by the nominal roll

do not differ significantly from those produced by other methods. In addition the audit reported that “the nominal roll by itself does not forecast future year funding requirements” (p. ii). There were many people who are involved in the nominal roll process, which began in August and ended in January, pending “final adjustments” (p. ii). When a single school delayed the process for the final wrap up at headquarters various projection methods were used to fill in this information. The nominal roll process was viewed as being costly and did not justify the time and resources necessary to complete it.

There were two principal recommendations from this audit. The Regional Director Generals were to ensure that on-site audits were conducted. The action taken by the audited regions was to audit schools once every three or five years. The Saskatchewan Region chose to audit every school every year. The Director General of Finance was to determine if the nominal roll was the most effective means to allocate education budgets. His action plan for this recommendation was to develop a framework to improve the nominal roll process develop a consistent approach to monitor and report on the nominal roll system.

### ***Auditor General's Report 2000***

In April 2000, the Auditor General issued a report on Education as a part of the Auditor General's Report for the year 2000. The report was critical of INAC in the manner in which it delivered education to First Nations students. According to the Report, twenty per cent of the Indian students who were eligible to attend elementary and secondary schools were not enrolled (p. 4-8). The report addressed many areas of elementary and secondary education including education funding and the nominal roll.

According to the report, “the nominal roll is used to determine the amount of funding allocated to the education of Indian students who attend schools on and off reserve. The roll is designed to reflect student registration at the beginning of the school year....Adjustments...are made through the Department’s process of verifying actual attendance information submitted by the schools” (pp. 4-19, 4-20). The auditors noted two opportunities to increase the benefits of conducting the nominal roll: (1) “the opportunity to develop and apply a comprehensive strategy for nominal roll verification; and (2) the opportunity to expand the use of nominal roll verification” (p. 4-20). Verification practices differed from region to region. The Department could also use the nominal roll to close the education gap that was identified in the 2000 report.

### ***Evaluation of Band Operated and Federal Schools***

The Departmental Audit and Evaluation Branch of Indian and Northern Affairs Canada Corporate Services conducted an evaluation of band-operated and federal schools (BOFS) (June 2005). INAC used a modified version of the Logic Model of the *Results-based Management and Accountability Framework (RMAF)* for this evaluation. INAC followed a “decentralized model in which the department establishes the policy direction and program guidelines for the programs administered by First Nations” ( June 2005, p. 7). *Results-based Management and Accountability Framework* described delivery processes “as follows” (June 2005 p. 7):

At the national level, Socio-Economic Policy & Programs (SEPP) has the principal responsibility for recommending to the Minister policy development and program design options....Corporate Services has the principal responsibility for coordination of departmental activities in relation to transfer payment management, modern controllership, departmental audit and evaluation, and the management, monitoring and reporting of program and



financial information. Regional Directors General have the principal responsibility for liaison with First Nations....Most regions also have an Intergovernmental Affairs group, which is responsible for joint policy development and related consultation with provincial authorities and First Nations. (p. 7)

Policies were clearly within the domain of INAC with consultation with First Nations and the provinces when necessary.

The Nominal Roll was the database for the student registry. According to the Evaluation of Band-Operated and Federal Schools (June 2005), there were three criteria for student eligibility for funding: (1) to be enrolled in and attending a federal , band operated or provincial school or a private school that is provincially recognized; (2) to be either aged 4 to 21 as of December 31 of the school year, or to be within the age range of the province, or “if outside this age range, be currently funded for elementary and secondary education; and (3) to ordinarily be resident on reserve.

Funding was allocated on the basis of the nominal roll. “The Nominal Roll...records a student’s age, residency and status – all of which determine eligibility” (June 2005, p. 16). For the ten year period 1992-1993 school year to the 2001 to 2002 school year there was an increase in enrolment in band operated schools of 45.6%. The Band Operated and Federal School Review “found no evidence that funding allocations from regional offices to First Nations were based on any rationale that takes the current structure of educational responsibilities into account. Most INAC officials applied a mechanistic formula based on the Nominal Roll to determine annual funding” (June 2005, p. 34). According to the Departmental Performance Report 2003, “information collected through the Nominal Roll process ‘supports funding activities, policy and accountability’” (June 2005, p. 37). There were both positive and negative elements of

using the Nominal Roll to determine eligibility. The NR provided a system to determine that funds are being directed to Registered Indians. It was also seen as a means to gather data on the education system. However, the NR was used to determine education budget allocations on a mechanistic system where “one-size-fits all” (June 2005, p. 37).

### ***Audit of Teacher Certification 2003***

INAC Corporate Services commissioned an audit of teacher certification in the band operated schools. The results of this audit affected the Nominal Roll, for it resulted in the requirement that more information was to be collected from the schools during the Nominal Roll Audit process. The schools, under the signature of the principals were required to supply detailed information on the qualifications of teachers and were to provide more information that the education program met provincial standards. This audit was internal and was conducted by INAC in Headquarters and in the regions. The Statement of Assurance in the audit stated: “The scope of the audit included headquarters and all regions except Northwest Territories, Nunavut and Yukon and excluded visits to federal and band-operated schools as adequate information was considered to be available at regional offices to assess the audit criteria” (p. 1).

### ***National Elementary and Secondary Program Guidelines 2003***

In November 2003 National Program Guidelines for Elementary/Secondary Education were published. These guidelines which were to come into effect in September 2004 were to “provide national direction for the delivery of the Elementary/Secondary Program for students living on reserve and Inuit students whose education is not delivered by a territorial government” (p. 3). The program’s objective

“is to provide eligible students living on reserve with elementary secondary programs comparable to those that are required in provincial schools [with the expectation] that eligible students will receive a comparable education to other Canadians within the same province of residence, with similar educational outcomes to other Canadians and with attendant socio-economic benefits to themselves, their communities and Canada” (p. 3).

In order to be entered on the Nominal Roll, “the recipient [Chief and Council or delegated authority] must demonstrate the eligibility of the student to be included on the Nominal Roll before being eligible for funding. The three criteria for eligibility are to be enrolled in and attending a federal, provincial or band-operated school, to “be aged range of 4 to 21 years (or the age range eligible for elementary and secondary education support in the province of residence) on December 31 of the school year in which funding support is required, or student outside this age range who is currently funded by INAC for elementary and secondary education” (pp. 5-6) and to be ordinarily resident on reserve. (p. 6). Before a student can “be entered on the Nominal Roll” (p. 6), the student had to be eligible, had to be registered, had to have an established pattern of attendance and had to be “attending on the last instructional day of September” (p. 6). “Each region will establish the level of attendance that is required for a student to be confirmed on the Nominal Roll for funding purposes” (p. 6).

***First Nations Data Collection Profile 2004***

As a result of the Auditor General’s Report 2002, the Deputy Minister of Indian and Northern Affairs Canada mandated the Assistant Deputy Minister of Corporate Services to conduct a comprehensive and critical review of First Nations Data

Collection. “Information [for this review] was gathered from stakeholders at INAC headquarters and in the regions involved in education-related programs. First Nations were not directly consulted” (November 2004, p. 1). The objectives of the Elementary-Secondary Education Program was to provide ““eligible students living on reserve with elementary and secondary programs comparable to those required in provincial schools by the statutes, regulations or policies of the province in which the reserve is located” (November 2004, p. 4). It was the Council’s responsibility “to ensure that students normally resident on reserve...have access to ‘instructional support services in a band-operated, a provincial or a federal school, or a private/independent school recognized by the province as an elementary/secondary school’.” In addition, “eligibility for inclusion on the Nominal Roll and regular school attendance are required for students to be funded” (November 2004, p. 4). According to the INAC – First Nations Data Collections Profiles, “the Nominal Roll data base was used for: accountability...; compliance...administrative and operational needs; and evaluation purposes” (November 2004, p. 12).

The data collected were divided into four categories: First Nations, Regions, Headquarters, and the Public. At the First Nations level, the data were used to “plan resources required to support instructional services on reserve” (November 2004, p. 13). The data were also used for purposes of provincial tuition billing and for securing student support services. The NR data were also used for accountability to the membership and to “assess the results of instructional and other expenditures” (November 2004, p. 13). In addition, the NR data formed a part of the reporting requirements of INAC as stipulated in the funding agreements.

Data were used by the regions: to calculate the school budgets through the band-operated funding formula, to plan for capital expansion and to project school growth requirements. The student lists were reviewed for student eligibility and for planning student transportation services. Provincial tuition billing was cross referenced to the data obtained from the NR. Regions were also to provide data to school evaluators for their reviews.

Historically, Headquarters funded education based on actual Nominal Roll Counts; however this had been changed to block funding when, regions received core funding for education, which was baseline funding and an increase of 2% per year. Other uses at Headquarters included: (1) to verify high special education allocations, (2) to monitor student progression on a yearly basis and to track students, (3) to fulfill compliance requirements and to provide updates to the Minister and to other departments, (4) to collect data on non-registered students which will influence policy decisions in terms of funding, and (5) to provide data as a basis for the renewal of authorities. (November 2004). Nominal Roll data were to be used to provide general information to the public as to the status of education. This information took the form of INAC reports and reports to Parliament.

The terms and conditions for the education program authority specified the criteria under which recipients are funded for education and delineated the criteria for student eligibility for funding. The recipient had to demonstrate that the program being offered in the school was comparable to the applicable program in the provincial system and the standards were such that students could transfer from a band-operated or federal school to a provincial school without penalty. The recipient had to also demonstrate

student eligibility for funding according to three criteria: (1) the student was enrolled in and attending school; (2) the student was in the age range of 4 to 21 as of December 31 of the school year; and, (3) “the student is ordinarily resident on reserve” (Terms and Conditions, 2004, p. 4). The definition of “ordinarily resident on reserve” was the same as that in a previously mentioned document.

INAC funds the cost of education of all students living on-reserve, for “All on-reserve students whose elementary and secondary education is funded under this authority must be included, or be eligible for inclusion, on DIAND’s Nominal Roll – Student Registry data base” (pp. 4-5). The criterion for funding is, thus, residency, rather than being treaty, for non-Treaty students who live on reserve are funded through INAC, while treaty students who live off-reserve are funded by the province. Other information on the student was also required. This information included the name of the school attended, the “band of residence” (p. 5), the student’s status and whether the student is registered as an Indian, and the registration number. Student records at the school level and the Indian Registry were necessary support documents (p. 5).

### ***Compliance Directive for Education***

In 2005 INAC issued a compliance directive for education that was based on “the existing education program authorities” (Compliance Directive 2005 October 1, p. 4) and whose purpose was to determine whether the program conditions and terms of the CFA are in compliance for education. The purpose of the compliance and monitoring was to make certain that: “program terms and conditions as set out in the CFA are being met; funding criteria are being met; funds are properly expended on the intended purposes; and accountabilities to Parliament of the devolving

department...have been met” (p. 4). Compliance was necessary for it “supports ministerial accountability to Parliament for federal funding” (p. 4). The minister, through the INAC managers, was accountable under the *Financial Administration Act* and must ensure that the terms and conditions of education programs are adhered to.

Although compliance was mainly concerned “with confirming the eligibility of individual recipients for the services they are receiving” (Compliance Directive 2005 October 1, p. 5) it also had other objectives which included determining:

- the eligibility of the services and benefits being provided;
- the number of eligible recipients actually in receipt of services;
- that purchased services are actually received and meet the required standards;
- that contractual arrangements are in place where services are being purchased from another provider;
- that payment for services is calculated according to the tuition agreement; and
- that the program and services provided are consistent with the funding agreement/arrangement (p. 5)

The authorities and references for the compliance reviews were the *Financial Administration Act*, the *Elementary/Secondary National Program Guidelines* and the policy on transfer payments.

On-site compliance reviews were to be conducted once every three years and “incorporates a risk management approach” (p. 6). “The on-site compliance review certifies that the funding recipient is operating within the program terms and conditions and that they have been certified to continue to operate for another three years” (p. 6). The focus of compliance activity had six areas: (1) student eligibility for funding (nominal roll reviews); (2) comparable education standards; (3) tuition agreement/arrangement; (4) approved tuition rates; (5) eligible expenditures and maximum amounts payable; and (6) school evaluation of band operated and federal

schools. The first compliance activity had an impact on all of the other compliance activities, for the nominal roll established the student population and set the levels of funding for the other activities. There were six criteria for eligibility for funding. These were: (1) the students were to be both enrolled in and attending a band operated, federal or provincial school or an independent or private school that is recognized by the province; (2) the students were to be between the ages of 4 and 21 on December 31 of the school year, or the provincial age range; (3) the students were to be ordinarily resident on reserve; (4) all students who were eligible for funding were to be included on the nominal roll; (5) attendance records had to be maintained and the students had to show an established pattern of attendance “ and be in attendance on the last instructional day of September in a school year (the census date)” ; and “student eligibility is further confirmed by an on-site and in-office review by INAC of student attendance.

Attendance records for the months of September and October were to be examined and the level of acceptable attendance was set by each region (pp. 10-11). In addition, “Recipients are to maintain a nominal roll of students using the forms and format prescribed by the department’s First Nations National Reporting Guide and are required under their funding agreement to provide the department with the NR if students enrolled as of September 30 of each year” (Compliance Directive 2005). Item five of the criteria for eligibility for funding and the access to records differed slightly, for according to the criteria, students were to be in attendance on the last instructional day in September, while according to the access to records, they were only to be enrolled on that day.



The compliance directive listed seven steps to the review. “An essential requirement for a complete compliance process within the regional office is the existence of: a) a copy of the Treasury Board-approved terms and conditions for Elementary-Secondary Education, and of the Elementary-Secondary Education Nation Program Guidelines; b) the national compliance directive; c) any regionally approved directives, which supplement the national compliance directive; and d) documents that reflect the applicable provincial terms, conditions, rules and regulations, including rates and guidelines” (Compliance Directive 2005, p. 13). The second step was the in-office review which verified that students were enrolled on the last instructional day in September, that students were eligible for funding through reference to the Indian Registry System; and that tuition payments were made. The third stage was on-site reviews, which included a review of eligibility, accuracy and completeness of data. Terms and conditions were also reviewed at this stage. Although the review teams were normally comprised of INAC officials, other service providers, including representatives from the First Nations Schools may conduct the compliance reviews. There was to be a notification of the review with a minimum of two weeks notice. There was also a pre-meeting before the review stage. If the review stage identified non-compliance issues, every attempt was to be made to resolve the issues on-site. There was to be an exit briefing at the end of the on-site review. If there were non-compliance issues that could not be resolved at the on-site review, there was to be follow-up to resolve them. After the on-site review, INAC was to complete a final review. Compliance reviews were to be completed once every three years or where there is a four per cent increase or decrease in enrolment from one year to the next.

### **Summary**

The nominal roll system in the Saskatchewan Region was driven by national policy which resulted in a change in guidelines that presented problems for the First Nations. Consultation of the First Nations was minimal. By taking a collective stand against the issue of teacher certification, the First Nations were influenced policy implementation at the Regional level.

## **CHAPTER SEVEN**

### **POLICY COMMUNITIES AND POLICY NETWORKS**

This chapter provides a brief contextual overview and then analyzes the data in terms of policy communities and policy networks in two distinct time periods and in relation to the issue of teacher certification reporting. The research revealed two distinct time periods within the 1993 to 2005 time frame. The first time period is from 1993 to 2003 and the second time period is from 2004 to 2005. The policy network from 1993 to 2003 was state-directed. In 2003, a policy change in teacher certification emerged as a critical issue, as many of the bands took a united stance against INAC; in 2004, the policy network changed from state-directed to corporatist.

The following was covered earlier in the thesis and is repeated here as a reminder of the context for this study. Over the period covered by this study, Indian and Northern Affairs Canada had ultimate control over process matters that affected First Nations people. The constitutional authority for federal control of First Nations rested with the British North America Act 1867 and the Charter of Rights and Freedoms 1982. The Charter of Rights and Freedoms 1982 entrenched the rights of First Nations in the Canadian Constitution. Section 25 stated “Aboriginal rights and freedoms not affected by the Charter – The guarantee in this Charter of certain rights and freedoms shall not be construed so as to abrogate or derogate from any aboriginal, treaty or other rights or freedoms that pertain to the aboriginal peoples of Canada including:

- (c) any rights or freedoms that have been recognized by the Royal Proclamation of October 7, 1763; and,
- (d) any rights or freedoms that may be acquired by the aboriginal peoples of Canada by way of land claim settlement (Department of Justice, 2001, pp. 67-68).

Section 35 recognized the existing treaty and aboriginal rights, for section 35, subsection 1 stated: “The existing aboriginal and treaty rights of the aboriginal peoples of Canada are hereby recognized and affirmed” (Department of Justice, 2001, p. 70).

The rights of the First Nations resided in the various treaties which were signed between the First Nations and the Crown. The two key players were the Crown, represented by the government of Canada, and the various First Nations governments represented by the Chiefs and their Councils. Treaty Rights were entrenched in the Canadian Constitution through the Charter of Rights and Freedoms. The policy focus of INAC has centred on its power to control the First Nations people.

### **Policy Communities and Policy Networks: The Theoretical Base**

Education was one of the areas for which INAC had fiduciary responsibility. Regionally, INAC funded education on the basis of an annual census which was known as the nominal roll system. Questions arose as to which actors were involved in determining the nominal roll policy, the relationship among the actors and how specialists were used in the development of policy. The framework that was used to answer these questions was the *streams approach* of John Kingdon (1995/2003), which permitted the analysis of the nominal roll process based on problem definition, on the development of policy alternatives and on the role that the political system played in policy development. The model also allowed an examination of the interplay among the three streams. Although Kingdon stated that the streams were independent, this

study revealed a great deal of interplay among the three processes: problems, policies and politics. The processes were three interacting currents in the same stream rather than three separate streams, for each *stream* impacted the other streams and the strength of each *stream* was drawn from the other streams in a symbiotic relationship.

Policy communities included all of the relevant actors in a policy sector, with different categories of actors comprising the policy community. These categories were the government actors, the associational actors, and the attentive public. The subgovernment, which was composed of the government actors and the associational actors, and the attentive publics varied throughout the course of problem identification and varied according to the tiers or levels – micro, meso, and macro levels.

From the documents analyzed, the policy communities in terms of the organizational actors remained constant over the time frame of this dissertation, 1993 to 2005. The main communities were the federal government, primarily, but not exclusively, represented by INAC, the First Nations, represented individually, especially the independent First Nations, and the provincial and regional First Nations organizations as represented by the Federation of Saskatchewan Indian Nations and the various tribal councils. The school principals, the students and the parents were identified as important attentive publics in the various documents. Prior to 2003, there has been little mention of bands or chiefs and council. INAC Headquarters dominated the policy community at the macro level, while INAC Region and District dominated the policy community at the meso and micro level. Post 2003, the policies communities were static at the macro level; however, at the meso, or sectoral level, the First Nations and their organizations became more prominent.

This chapter examines policy communities and policy networks from the perspective of two governments, INAC and the First Nations, in the areas of the problem stream, the policy stream and the political stream. The question of the role of specialists in the policy communities and the resultant networks are examined within the context of the communities and networks.

Changes in the policy networks developed over the time frame of this study. Two distinct time periods emerged – 1993 to 2003 and 2004-2005. The period 1993 to 2003 was highly state-directed in terms of policy development. In 2003, INAC introduced changes in the nominal roll process by requiring First Nation to supply detailed teacher information. There was no consultation and this policy change was developed without First Nations knowledge or involvement. The First Nations took a stand against this unilateral change. As a result, there were procedural changes in the nominal roll process following 2003. The First Nations were involved in the policy development. There was interplay between the three processes throughout the time period. Developments in these time periods impacted the policy networks that developed in the three streams.

### **Policy Communities and Policy Networks 1993-2003**

#### ***The Problem as Defined by INAC 1993 to 2003***

At the national level, Headquarters identified the nominal roll process as an issue (Audit of Selected Data Banks Nominal Roll System Audit Report October 1994). Headquarters wanted to determine if the nominal roll system was the most efficient and effective means to provide accurate data on student enrolment to Indian and Northern Affairs. INAC defined this problem internally and the audit was initiated internally at

the federal government level. Applying Cobb, Ross and Ross's (1976) model of agenda setting, it would seem that INAC adopted the inside initiation model, for the problem was defined by the government with no input from other organized agencies and the public was excluded from participating. The government conducted this review in two regions in Canada.

INAC identified the issue as the reliability of the data collected on student enrolment. The main problem with which INAC was concerned was student eligibility – which INAC defined in terms of residency, age and enrolment in school – to be included on the nominal roll. The registered Indian population and the student enrolment, from ages four to eighteen, increased in the decade from 1985-1986 to 1994-1995 and had a major effect on the education budgets and Indian and Northern Affairs Canada wanted to ascertain whether the students they were funding were actually eligible to receive funding. As indicated in the documents, the problem defined by INAC was financial and redistributive in nature, for INAC developed a stabilized system and used the nominal roll process to redistribute money to the various bands for education. Lowi (1964, p. 711) found “the political structure of the redistributive area seems to be highly stabilized, [and] virtually institutionalized”. The findings of this study seem to reflect this.

The Report on the Audit of the Nominal Roll (1993) influenced the nominal roll process in the Saskatchewan Region. In 1997, INAC updated the operational policy for the nominal roll process with the addition of three clauses. One clause was related to the completion schedule and stipulated that the district office was to have all nominal roll data entered into the system by November 15. The other two clauses were related

to the review of student data by the regional office. The regional office was to cross reference with both Saskatchewan Education and the Saskatchewan Provincial Department of Social Services in order to verify student eligibility. The addition of these clauses was determined by INAC with no consultation with the First Nations. Both the national review and the Saskatchewan region update were state-directed with no input from the First Nations.

The policy for the nominal roll process for the Saskatchewan Region had not been updated since 1997. However, every year INAC issued new guidelines for the implementation of the policy for the nominal roll process. Prior to 2004, there had been little input from the First Nations, either individually or collectively. As shown in Figure 6 the main government actor in issue identification was the Federal Government represented by INAC. Policies of Saskatchewan Education and the Saskatchewan Department of Social Services influenced the INAC policy on the nominal roll process, for the curriculum offered in the schools had to be the approved curriculum of the province and the teachers had to be provincially certified and the records of social

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Sub Government:

INAC

Saskatchewan Social Services

Saskatchewan Education

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First Nations and First Nation Organizations

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Attentive Public

Parents

Principals

Students

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Figure 6: Policy Communities in the Problem Stream: INAC 1993-2003



services were used to check student residency. The First Nations and their political organizations were not directly involved in the subgovernment and had minimal influence on policy. The parents, students and school, represented by the school principal, were a part of the attentive public. As revealed by the documents, INAC minimally involved the First Nations and their political organizations in setting the agenda and in defining the problem. They were, however, involved in the implementation of INAC regional policy on the nominal roll process.

The documents illustrated that the sub government was INAC, at the meso and micro levels. Both the Saskatchewan Department of Education and the Saskatchewan Department of Social Services were a part of the sub-government, for they influenced the policy which was developed within the Saskatchewan Region. The chiefs and councils, as an aggregate and individually, played an important role in problem identification at the public level; however, they had minimal influence at the government level. Other actors in the attentive public were the principals, students, and parents. These groups were affected by the nominal roll policy, but they had no influence in developing it. INAC defined the problem as the reliability of the data and student eligibility for inclusion on the nominal roll while the First Nations viewed as the problem as the denial of the treaty right to an education.

INAC made references to First Nation participation in the implementation of the nominal roll process (Nominal Roll Coding Instructions 1997). The bands were responsible to ensure the accuracy of residency. The schools were responsible to ensure the accuracy of enrolment data. INAC also stated that the First Nations wanted assurance that funds were allocated to education on the basis of solid data. INAC

believed that solid data would be obtained through a verification process of on-site visits. INAC officials at the Regional Offices had input into the policy for the on-site visits; however, neither the First Nations organizations nor the independent bands had any input.

INAC Headquarters recommended that the Regional Directors were to “ensure that on-site audits are conducted on the nominal roll” (Audit 1994). This was to reassure Headquarters that the data collected was accurate and that funding was properly distributed. There was no input from the First Nations in this policy decision. The Department at the national level also wanted to ensure that the nominal roll exercise was the most efficient means to fund education. Again, there was no input from either First Nations or their organizations for any recommendations into this decision.

From the perspective of Indian and Northern Affairs Canada, the nominal roll process was for the efficient management of financial resources for education. INAC at the national level questioned whether the nominal roll process was the best process, for there was limited verification of student data. In addition, the nominal roll process was expensive. Throughout this time period, there was limited participation from the First Nations.

INAC had both the autonomy and capacity to set the agenda and the policy in this time period. The capacity was high for the state agency had powers bestowed by the constitution of Canada. The Indian Act 1876 and its various amendments established laws to govern education of the First Nations. As illustrated in Table 10,

INAC had high capacity in establishing the agenda and the resulting policies, for it had the necessary financial and human resources.

Table 10: State Agency Autonomy and Capacity

State Agency Autonomy		
State Agency Capacity	High	Low
		High
		Constitution
		Indian Act
		Personnel
		Financial Resources
	Low	

INAC had a defined role and value system and the framework within which INAC operated provided greater autonomy to INAC which led to a state-directed network. This study supports Coleman and Skogstad's (1993, p. 28) findings that in a state-directed network "state officials dominate policy-making and are able to impose their solutions...even without consulting organized interests".

### ***The Problem as Defined by the First Nations 1993-2003***

Some of the Chiefs in Saskatchewan defined the nominal roll as a problem from three perspectives. First, there was concern that students over the age of twenty-one should be eligible for secondary school funding. Second, there was concern over the removal of students, of any age, from the nominal roll for funding purposes. Third, there was a concern that the removal of students for funding was a breach of the Treaty right to an education. These three concerns were centred on the Treaty right to an education as the Chiefs viewed their rights under Treaty. Other First Nations organizations, at the aggregate level and at the independent level, identified other

problems with the process that was used. These concerns centred on the type of data that were collected and the fact that INAC was using terminology that was no longer relevant to Saskatchewan Education. In addition, the lack of consultation by INAC in policy development was identified as a problem. A tribal council memorandum in 1999 stated “An overall issue relating to these nominal roll policies and procedures is that INAC representatives do not consult with educational representatives prior to implementing the policies” (1999-10-01). The tribal council recommended that there should be consultations between both INAC and the FSIN.

At another level, an individual First Nation, from its perspective, noted that the nominal roll audit was to:

1. Ensure that each student who is entitled to funding is counted;
2. Ensure that students are not funded in more than one jurisdiction;
3. Ensure that funding levels are appropriate for the grade level and needs of each student (1999-00-00C).

It was clear that the nominal roll was to ensure adequate funding to all eligible students and in order to ensure that funds were equitably distributed students would only be funded once and, thus, could not be claimed by more than one school. There was agreement with INAC’s position that the First Nations wanted funds to be allocated on solid data; the solid data, however, from the First Nations perspective, were to ensure that all eligible students were funded, but they were only counted once.

The First Nations clearly viewed the students as a part of the attentive public. The concerns of the First Nations leaders with the nominal roll were student centred. The Treaty Right to an education belonged to the students, regardless of age. According to the documents, student attendance should not be a factor in funding, for many students at the secondary level who left in the first semester return in the second

semester. The First Nations believed that students who were suspended from school at the time of the nominal roll should still be counted for funding purposes, for they return. Since students were to be enrolled on the last teaching day in September, they should not be removed from the nominal roll for funding purposes if they withdraw from school after that date.

INAC was still the dominant player in the sub-government. At this time, INAC did not listen to the First Nations in regard to their concerns, for they said that they would continue their previous practice of annual audits according to the regional guidelines. A senior INAC official wrote “The practice of conducting a compliance review of all nominal rolls each year is one which the Saskatchewan Region plans to continue, even though no other region conducts reviews each year” (2002-11-02). The First Nations continued to press the issue, both individually and collectively, for they wanted the nominal process to be similar to the process used by Saskatchewan Education. In reply to this, a senior INAC official indicated that they could follow this method; however, the allocation per student would be reduced accordingly (2002-02-16).

Figure 7 illustrates the policy communities from a First Nation’s perspective. The First Nations viewed themselves as a part of the policy process through problem identification. They saw themselves as more than a member of the attentive public, for they viewed themselves as a part of the sub-government as associational actors.

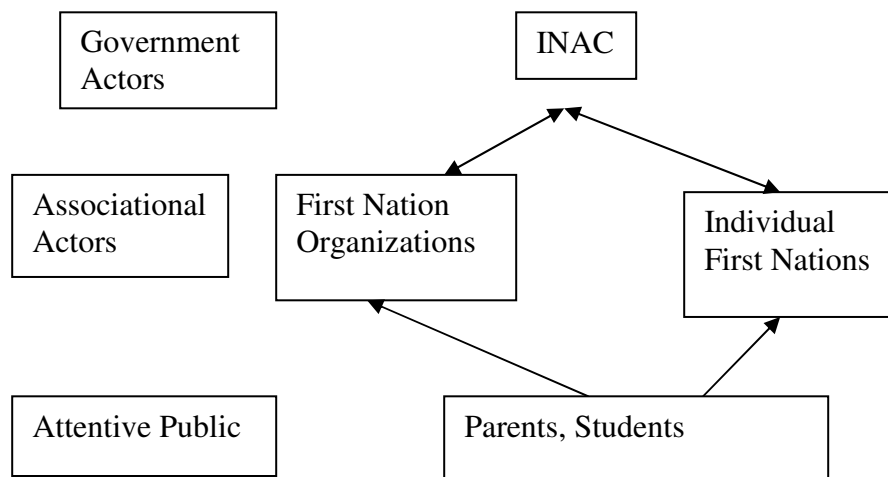


Figure 7: Policy Communities from a First Nations Perspective

From the perspective of the First Nations, the policy network should have been corporatist, rather than state-directed. In reality, however, the First Nations had the role of policy advocate rather than policy participants.

#### ***INAC and the Policy for the Nominal Roll Process 1993-2003***

In the period 1993 to 2003, INAC developed and implemented the policy for the nominal roll process and guidelines based on the problem it defined, which was the quality of data and student eligibility to be funded. At the regional level INAC developed guidelines for the nominal roll process and its implementation. The guidelines outlined the roles and responsibilities of INAC at the regional and district levels in the Saskatchewan Region. By policy, INAC officials at the district level led the nominal roll audits. The First Nations were responsible for the completion of the nominal roll, as of the last teaching day in September; the completed package was to be returned to INAC district by October 15. By completing the nominal roll, the First

Nation was to ensure the accuracy of the information. Although the First Nations had little input into the nominal roll process, they were important in the implementation of the nominal roll system.

Regional guidelines were developed on a yearly basis to implement the nominal roll policy. According to the Saskatchewan Regional Guidelines for 1993-1994, the district staff was to ensure that all students on the nominal roll had reserve residency, that the programs in which students were enrolled were in accordance with the guidelines of Saskatchewan Education, and that the students were attending full time by September 30. The audit teams were to consist of at least three people – an education person from INAC, the funding service officer responsible for the band and a band representative. The procedures that were to be followed had been previously discussed by the INAC officials; however, band representatives were not involved in these initial discussions. INAC officials who set the policy and implemented it comprised the sub-government. The district staff, under instructions from the regional staff, led the nominal roll audits. There was a tight membership in the policy community amongst INAC. Although it was ideal to have a band representative, it was not a necessary requirement and if a band representative was not present, the audit would still be conducted. The band representative was to be an interested party who did not participate in the policy development, but was involved in policy implementation.

The district staffs were to make sure that all students on the nominal roll had reserve residency; however, they relied on the band officials to assist them in this regard. Although the province did not participate in policy development, provincial regulations had an impact on INAC policy for student residency was also to be cross-

checked with the provincial department of social services. The teachers were to be a part of the process if INAC had any questions related to the student enrolment or attendance; if any discrepancies were noted, the classroom teachers were asked to provide an explanation. The band officials were a part of the attentive public in this time period. Figure 8 illustrates the policy communities that were established. INAC at both the regional and district levels formed the subgovernment. The bands were on the periphery of the subgovernment, while the teachers and students were a part of the attentive public.

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Subgovernment:	INAC Region INAC District
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Attentive Public:	First Nations Bands Teachers Students
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Figure 8: Policy Communities Pre: 2003

According to the documents, INAC at the regional level developed guidelines which were based on national policy and directives. The national guidelines and directives serve as the basis for regional policy and allow various regions to develop their own policies to implement the guidelines. The INAC district offices led the subgovernment in the implementation of the policy with the help of the band administration.

INAC Headquarters had concerns with the implementation of the nominal roll, and therefore commissioned an audit of the Nominal Roll Process in 1993. The Nominal Roll Audit Report (1993) found inconsistencies in the manner in which the nominal roll was conducted across the country. As a result of this audit and with input



from the regions, in 1994 INAC Headquarters issued a regional guide for checking the nominal roll. This policy change was initiated inside the government. According to Cobb, Ross and Ross (1976) there are four stages to inside initiation: initiation, specification, expansion and entrance. The policy review was initiated by INAC Headquarters. The review specified an examination of the efficiency and effectiveness of the nominal roll process to determine student eligibility and to serve as a basis to fund education. The review expanded to two regions in Canada as a data source. Based on the results of the review, INAC Headquarters made recommendations to apply to the nominal roll process across Canada. There were changes in the nominal roll policy and process in the Saskatchewan Region.

There were to be three phases for conducting the nominal roll. Phase I, which was to be completed off-site, involved INAC personnel at the regional level. Phase II, which was to be completed on-site, was to involve INAC personnel, a band representative and a team leader who was to be independent. Phase III was a review in region to check for any errors. It was only in phase II that the band had any representation in the process. In 1997 there was a change in the guidelines for the nominal roll in the Saskatchewan Region which removed students from the nominal roll who were either apprehended by social services and placed off reserve, who were incarcerated or who were absent for the first semester even if they were to return for the second semester. The coding instructions for 1997 stated that the bands had “to account for all students who live on reserve regardless of where they attend school” (1997-00-00).

Special needs students in Saskatchewan were to be included on the nominal roll and they were to be coded as high cost special education. The initial criteria of a regular pattern of attendance at the time of the on-site nominal roll visit still applied to these students, though extra criteria were applied to them. INAC conducted a separate review of the program for these students, including their attendance. If the special needs students did not maintain an acceptable level of attendance throughout the year, the extra funding for them could be withdrawn (1998-05-19). These students, thus, had their attendance monitored twice during the school year – at the time of the nominal roll audit and at the time of the special education review. Special needs students who had an acceptable pattern of attendance at the time of the audit would be eligible for tuition; however, if their attendance dropped off after the audit, the special education funding could be withdrawn.

At this time the policy community was composed of a subgovernment which included INAC Headquarters, INAC Region and INAC District. The bands, the students in general, and the special needs students in particular comprised the attentive public. The policy network was state-directed, for the state assumed all power. INAC was strong in both capacity and autonomy, for they audited the special needs students twice. There was no recourse or appeal. The state dominated and could impose their will without being accountable to the First Nation, the school, parents or students.

During this time period, INAC agreed to some minor changes in the nominal roll guidelines for the Saskatchewan Region. These changes were to change to grade classification from the division system, to elementary, middle years, and secondary. INAC also agreed to recognize a computerized system for the collection of attendance

at the school level. In regard to any major changes related to attendance criteria, INAC remained firm in its position. A senior INAC official wrote: “Verification of the nominal roll was implemented in the Saskatchewan Region seven or eight years ago to ensure eligibility and equitable distribution of funds. This has now become a national requirement” (2000-06-13). Since the INAC regions in Canada can set their own guidelines based on the INAC national policy and directives, the Saskatchewan Region implemented verification before it became a national requirement. The frequency of conducting on-site reviews in Saskatchewan was yearly, while the national requirement was once every three years. INAC Saskatchewan Region was more restrictive than the national requirements. Although the First Nations viewed the verification process as a sign that INAC did not trust the accuracy of First Nations records, INAC viewed the nominal roll process as a way to distribute resources rather than a method to determine eligibility to attend school (2000-06-13). The nominal roll process in Saskatchewan was the Saskatchewan Region’s response to the fact that their budget increased by only two per cent regardless of the increase in the nominal roll.

In the nominal roll process, INAC made reference to the First Nations as government, when an official wrote: “current resources allocated for elementary/secondary education may not be sufficient for all the needs demonstrated by the students First Nations’ governments serve” (2000-06-13). INAC, thus, viewed the nominal roll process as a method to distribute resources for education, and not as a basis for determining who had the right to attend school.

INAC made two other concessions in regard to the nominal roll process. The Directors of Education for First Nations schools and their organizations floated two

other ideas. They requested that students who were absent from school for traditional activities should not be deleted from the nominal roll. INAC agreed to this, which is in keeping with the Indian Act 1985 which stated:

**117.** An Indian child is not required to attend school if the child

(b) is, with the permission in writing of the superintendent, absent from school for a period not exceeding six weeks in each term for the purpose of assisting in husbandry or urgent and necessary household duties;

The second idea was that a team approach should be used for the nominal roll process.

INAC agreed to include a senior education manager in the process. The composition of the audit teams varied from school to school. In the 2003-2004 school year, INAC personnel were present at all of the audits in one of the districts. The FSO for the band chaired the nominal roll meeting. The principal was present at ninety three percent of the audits; senior education management was present at eighteen percent of the audits; guidance councillors were present at twenty-five per cent of the audits; and education committees were present at seven per cent of the audits (2004-09-00B).

***First Nations and the Policy for the Nominal Roll Process: 1993-2003***

The First Nations were against the procedures and guidelines that were used in the nominal roll process, for they viewed the process as being both unfair and illegal. Although the First Nations saw a need for a nominal roll, they wanted a system that was more efficient in order to ensure that a student was not funded on more than one nominal roll count. They wanted INAC to sit down with all of the other stakeholders to devise guidelines that would fund all students while ensuring that students were funded in only one school. The First Nations, thus, viewed INAC as a participant along with the First Nations, both collectively and individually, as a part of the process. The network that the First Nations envisioned was corporatist, as illustrated in Figure 9.

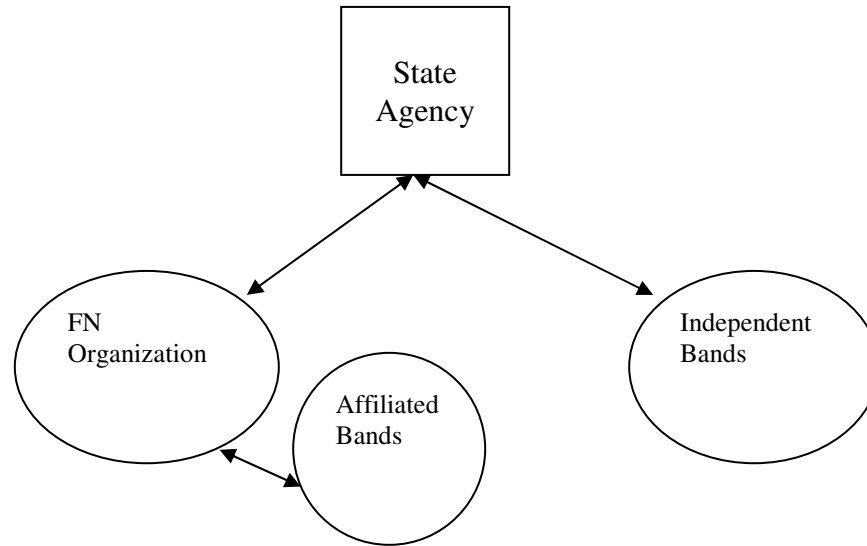


Figure 9: Policy Network to Revise NR Policy: A First Nation's Perspective

The First Nations viewed themselves as partners with INAC in the subgovernment in developing a new policy.

The INAC policy that was reflected in bands funded through a Flexible Transfer Agreement (FTA) presented a problem in the area of the nominal roll. The same conditions and criteria to be included on the nominal roll applied to these bands; however, the nominal roll count had no impact on funding. The main purpose of the nominal roll count in the FTA bands was to set a base for funding in other areas and for education capital construction. In a letter to an FTA First Nation, INAC wrote: "The principle of the FTA Agreement is to provide overall indexed funding for all programs and the flexibility to prioritize the allocation of resources internally. Additional resources would not be considered by the department for the education program specifically, even if there appeared to be a shortfall in the program through a CFA comparison" (2000-01-27).

The nominal roll process was also discussed at the table of individual First Nations. In response to INAC's policy, one of the First Nations instructed its senior technicians to draft a policy on student enrolment. This policy was to instruct the principals to count all students who met the eligibility requirements to be placed on the nominal roll. The education board of one First Nation organization took a similar position by passing a resolution condemning the nominal roll policy as it existed. This motion had the same wording as previous resolutions. INAC's response was the same: they would not agree to change the manner in which the policy was implemented. The education board also instructed the senior education manager to draft a nominal roll policy from a First Nations perspective. Although the policy was similar to the INAC policy, there were three significant proposed changes: (1) the student attendance date was to change from the last teaching day in September to one month after the opening of school; (2) the fifty per cent attendance requirement was to be dropped; and (3) the mandatory number of credits in which students needed to be registered was to change to recognize schools on a quadmester or on a block system. This was done, but there was no resolution to pass this policy for enforcement.

Applying Cawson's (1997) policy advocate – policy participants' continuum, it would seem that organizational development for the First Nations was twofold. The First Nations, both collectively and individually, regard themselves as policy participants. They put forward policy alternatives that were vetted through the First Nations organizations and their First Nations governments. As illustrated through the documents, INAC referred to the First Nations as governments; however, they did not permit the First Nations to take an active roll in policy development. INAC continued

to work with a state-directed network and relegated the First Nations to the role of the attentive public. As a part of the attentive public, the First Nations, both collectively and individually, remained part of the policy process by continuing to advocate for policy change and by pushing for policy participation. The policy network was state-directed with INAC having the role of the sub-government and the First Nations represented by their organizations being placed in the attentive public and pushing to become an associational actor. The schools, as organizations, and the principals, teachers, parents and students were a part of the attentive public.

### **Procedural Change in the Nominal Roll Process: Teacher Certification**

One component of the nominal roll process included a declaration that all teachers were certified to teach in the province. Prior to 2003, the principals, as a part of the nominal roll process, were required to sign a declaration which stated that the schools employed provincially certified teachers and that the curriculum that was followed in the schools was comparable to the provincial curriculum. In 2003 INAC Saskatchewan Region introduced a change in procedure in the nominal roll process which required the principals to submit detailed information on all the school staff, both teaching and non-teaching. The following information was required: (1) the name of each staff member, (2) the assignment of each staff member, (3) the certificate number of each teaching staff, (4) the experience and length of service of each staff member, (5) the placement of each staff member, if applicable, on the provincial salary grid, and (6) the salary of each staff member, whether teaching or non-teaching. According to INAC, this additional information was necessary because INAC was trying to develop a case to request more funds from Treasury Board for teacher salaries. In addition, a

departmental audit of teacher certification indicated serious concerns regarding the quality of information on teacher certification. Treasury Board was another government body in the policy community.

There was no consultation with the First Nations on this procedural change. In addition, there was no initial explanation given for this change. These changes were addressed to the principals and not to the directors of education, education directors or education coordinators. As illustrated in Figure 10, INAC at the national level and

Sub government:	INAC Headquarters Treasury Board
Attentive Public:	Principals First Nations Education Staff

Figure 10: Policy Communities: INAC Nominal Roll and Teacher Certification

Treasury Board comprised the sub government of the policy community. The school staff, the principals and the First Nations constituted the attentive public. The First Nations organizations learned of these changes from their principals. The principals thus had a greater role in the policy than the First Nation governments, for they were informed and were involved in the implementation process before the First Nations organizations and governments were.

The policy network that was operating here was state-directed and was strong. There was no consultation with most of the key actors. From the perspective of the state, the societal actors were weak. As illustrated in Figure 11, the First Nations were not a part of this network, for they learned of the changes through their principals with



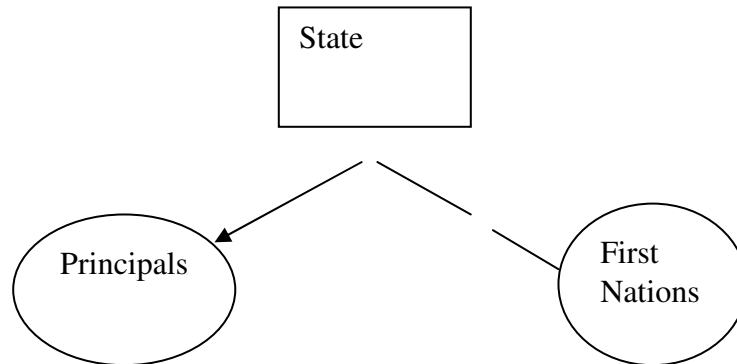


Figure 11: Policy Network in Problem Stream: INAC Teacher Certification

whom INAC had direct contact. The state had strong autonomy and capacity in terms of setting the agenda; however, the state still required the First Nations to help to implement this policy.

This issue drove the reaction of the First Nations to the nominal roll process. The First Nations moved along the continuum from policy advocates to policy participants. Some of the First Nations took a stance by refusing to supply the required information. The response from the First Nations to this change raised problems of concern over jurisdiction and over consultation. The First Nations in one of the districts took a united stance against this change in procedure. This was accomplished both collectively and individually. The Chiefs in one of the districts requested that their schools were not to submit the new information. This request was also supported by a directive from various First Nations individually who ordered their senior education managers not to submit the required information. With the agreement of individual First Nations, the Chiefs in a district also requested that one of their employees should be a part of the nominal roll process. The Chiefs also requested that the provincial schools should be audited and that there should be a First Nation's employee present at

these audits. This request was forwarded to INAC who agreed. INAC, however, stated that individual First Nations would have to agree to have an observer present; the same would apply to the province. In all of these situations, the representative for the First Nations would only be an observer.

The policy community changed in this instance. The subgovernment was composed of two entities – the government, as represented by INAC and the associational actors represented by the individual First Nations and the district First Nation Organization. The district First Nation organization was in direct contact with INAC in regard to the request. In its relationship to the individual First Nations, the district organization recommended a course of action that the First Nations could respond individually to a collective recommendation.

The policy network which developed was a change from a state directed network to a corporatist network. As a result of the stance taken by the First Nations in one of the districts, INAC changed their reporting requirements during the year. Although the enhanced staff information was still required, the principals were no longer required to identify the staff members by name. The state agencies were still strong; however, the societal organizations became stronger when they took a united stand. The policy network that developed is illustrated in Figure 12

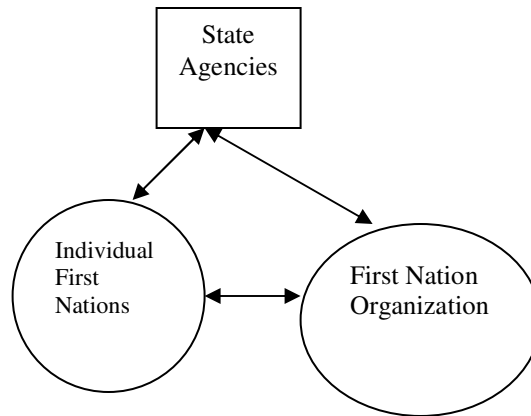


Figure 12: Corporatist Policy Network

Following this issue, a corporatist network arose between the state agency and the First Nations. Within the First Nation network itself, there was a pressure pluralist network for the First Nation organization sought feedback from the individual First Nations, made a recommendation to the individual First Nations and then left the final decision to the individual First Nations for action.

### **Policy Change in Teacher Certification**

For the 2003-2004 nominal roll, INAC introduced a major change in the data that was to be collected through the nominal roll process. The change that INAC introduced demanded more information on the staff that worked in the schools and not on the student count. There was no consultation or warning that this information would be gathered. This policy change stemmed from Headquarters and was based on an audit of teacher certification that was conducted in 2003. In response to concerns expressed from the First Nations, INAC Region responded in a letter which stated: “we require this information to respond to the recent ‘Audit of Teacher Certification’” (2003-09-06).

This policy change was inconsistent with INAC's own guidelines that were a part of the 2003-2004 audit process, which instructed the principals to certify that all teachers were certified to teach with the province of Saskatchewan and that the First Nations schools followed the provincial curriculum. The National Reporting Guidelines and the Comprehensive Funding Agreements made reference to the Chief and Council providing to the Minister the principal's verification that the teachers were properly certified and that the curriculum was comparable to the provincial curriculum. The CFA stated "The Council [Chief and Council] shall provide the Minister with an Annual Certification of Teachers and Curriculum Report prepared by the principal" (Third Party Management Arrangement). INAC also reiterated the roles for itself and the First Nations in the nominal roll process. The First Nations were to ensure that students who were eligible to be included on the nominal roll were included; while INAC was to fund students who were eligible for funding.

In response to this policy change, the First Nations stated that as education authorities the information belonged to the individual First Nation. INAC acknowledged the concerns and replied by stating that Headquarters was working with the Assembly of First Nations [AFN] to renew the education authorities. The First Nations regarded themselves as governments. INAC introduced the AFN as another part of the subgovernment at the National level. INAC again referred to the bands as First Nations when it threatened to withhold funding if the required information was not provided. Many of the First Nations refused to supply the information; INAC modified its requirements by using identifiers rather than names of individuals.

An independent First Nation and a First Nation organization sought a legal opinion on the nominal roll process related to deleting students, and on the request for additional information on staff. The legal opinion indicated that in both of these areas INAC in the Saskatchewan Region overstepped its authority. According to these opinions, INAC Saskatchewan Region was acting against the national guidelines and contrary to the funding agreements.

INAC issued new guidelines for elementary and secondary education in October 2003. These guidelines were to be implemented for the 2004-2005 school year. These national guidelines were to be enforced as they were written into the CFA. Two additional clauses were added to the CFA. The Chief and Council were to “ensure the elementary/secondary education funds are administered in accordance with the DIAND *Elementary/Secondary Program Guidelines*, as amended from time to time” and that the education standards would permit students to transfer to other jurisdictions with no loss of credit. The First Nations did not have any input into these guidelines; however, they received additional responsibilities as a result of these guidelines. This policy initiative was clearly initiated inside the government.

### **Policy Communities and Policy Networks Post 2003**

In 2003, the First Nations requested a meeting with INAC to examine the issue of the nominal roll system. A committee composed of INAC representatives and representatives from the First Nations organizations, individual First Nations affiliated with those organizations and independent First Nations, was struck to make recommendations for changes in the policy. There was general agreement on the changes, for the First Nations and INAC agreed that there was a need for some method

of accounting for the students; however, it was felt by the First Nations that the guidelines were too stringent at the secondary level and that annual audits were not necessary. INAC put forward the position that audits were still necessary and there must be some criteria for student attendance. The major changes that were agreed to were: (1) the rate of attendance at the secondary level would change from 80% to 50% in each subject; (2) part-time students at the grade 12 level who needed a couple of extra credits for graduation would be funded at a half time basis; (3) audits would be conducted once every five years or if the growth exceeded 4% from the previous year; and (4) October attendance would be taken into consideration only if the students did not have an established pattern of attendance in September or if they registered late in September and could not therefore attend ten days in September. These suggested changes were brought back to the respective entities. The suggested changes were adopted, with the following changes by INAC - audits would be conducted under three conditions (1) once every three years rather than the suggested five years; (2) if there was a change in enrolment of 4% or more; or (3) if a community was scheduled for a capital project. There were still instances where the October attendance was a factor when it should not have been. This was dependent on the Financial Services Officers who conducted the nominal roll.

The First Nations also requested that there should be more consistency among the various Financial Services Officers who conducted the nominal roll. This was agreed to; however, the nominal roll count that was based on the new guideline was not released until the following year which was not a part of this study. The policy

community that was evident post 2003 is illustrated in Figure 13. State autonomy remained strong. There was a reduction in state capacity to implement the initial

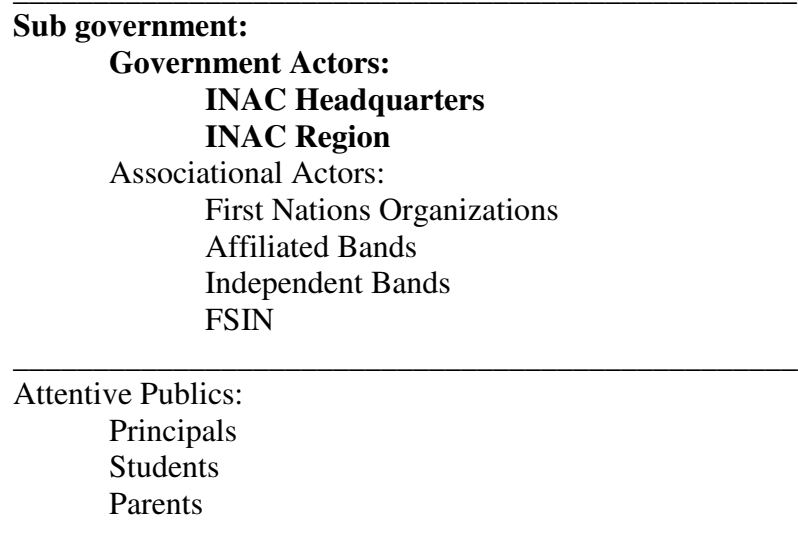


Figure 13: Policy Communities: Post 2003

desired changes, for the First Nations refused to comply with the policy change. INAC needed the First Nations to help with the policy implementation. INAC's concessions led to more First Nation participation.

The policy network that was established post 2003 was corporatist. As illustrated in Figure 14, INAC was the major government actor. The various First Nations organizations, the unaffiliated bands and the affiliated bands, individually and collectively, were united in their negotiations with INAC. They were stronger than before and exerted influence on the government in policy setting.

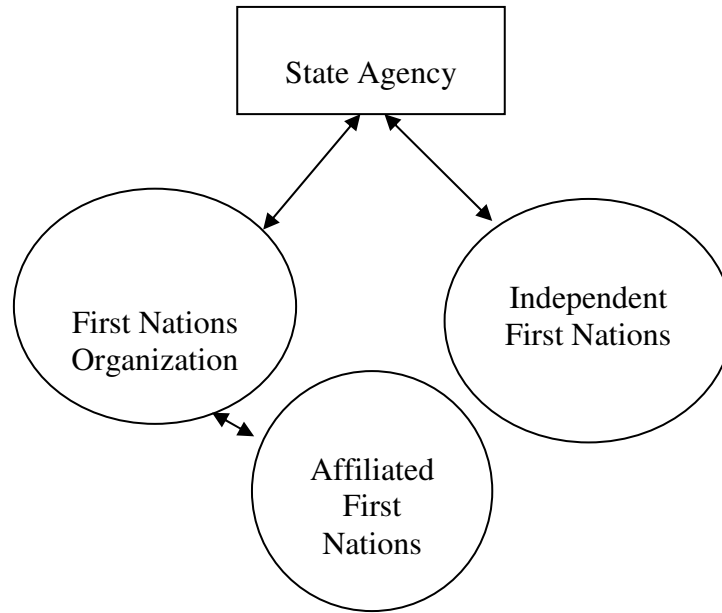


Figure 14: Policy Networks: Post 2003

The affiliated First Nations worked with and through their applicable Tribal Council, while the independent First Nations worked alongside and with the Tribal Councils.

### **Issue and Problem Identification: a Summary**

According to Paul (1993) the way a problem was defined impacts the manner in which it is dealt. Values, culture and ideology influenced the definition of a problem. INAC valued accountability in terms of student eligibility and the distribution of funds. The First Nations valued the Treaty Right to an education. Both of the subgovernments have a different basis on which they defined the problem. There were two distinct time periods in the documents that form the basis of this study. During both time periods, INAC defined the problem in terms of data quality; however the first time period concentrated on data quality in terms of student eligibility. INAC added data quality related to teacher certification in the second time period, which began in 2003. The First Nations maintained their traditional beliefs in the Treaty Right to an education;



however, they expanded the problem definition to include the ownership of data as it related to teacher and staff qualifications. To this they continued with their concern over the lack of consultation. It was only after the problem definitions that resulted from the 2003 issues that the policy communities came together, with the subgovernment being composed of both the First Nations and the government of Canada as represented by INAC region.

The manner in which an issue was formulated was important to placing an item on the agenda (Pal, 1997). According to Kingdon (2003) there are three factors that help to define a problem. These were indicators, focusing events and feedback. Although the nominal roll was defined as a problem by both INAC and the First Nations, they both had different definitions of the problem, for often problems had different elements in their definition “that people see the same situation quite differently” (Pal, 1997, p 70). INAC defined the problem as a means to ensure that only eligible students were funded through the nominal roll system. The First Nations defined the problem as the denial of funding to eligible students and the breaking of a Treaty Right to an education. The main indicator of a problem from the perspective of INAC was the lack of a process to verify student eligibility. INAC’s solution was for mandatory on-site visits to verify student eligibility. The on-site visits resulted in students being deleted from the nominal roll. These deletions were indicators to the First Nations that there was a problem with the nominal roll system. The solution from the First Nations’ perspective was to institute a policy similar to that of the province and to avoid deleting students from the nominal roll unless they were counted elsewhere. Since the problems were defined from different perspectives, the solutions proposed

from each of the main players were different. From 1993 to 2003, the First Nations were in no position to force a change.

Often indicators alone were not enough and problems need a push to bring them to the attention of the government (Kingdon, 2003). “That push is sometimes provided by a focusing event...that comes along to call attention to a problem” (Kingdon 2003, p. 95). This push originated from bureaucratic feedback “in the form of rather systematic monitoring and evaluation studies” (Kingdon 2003. p101). The Auditor General’s Report 2000 was critical of the government for its role in First Nations education. This resulted in INAC conducting a review of teacher certification. As a result of the Audit of Teacher Certification (2003), INAC Headquarters made recommendations that more detailed data be obtained on teacher certification. There was no consultation with the First Nations in this addition to the nominal roll process. INAC presented these changes to the principals during the nominal roll presentations in September 2003. The First Nations, individually and collectively, took exception to this process.

Recommendations were made at the Tribal Council level for First Nations not to submit the additional information on teacher certification. Individual First Nations also passed band council resolutions instructing the principals not to provide this information. Although INAC threatened to withhold funding, many of the First Nations stayed with a common approach. This resulted in INAC backing down and accepting information that could not identify any staff member by name. An independent First Nation and a tribal council also sought legal advice on the issue. The legal opinion that was provided stated that INAC was in breach of the funding agreements with the First

Nations that were funded under a comprehensive funding arrangement and they were also in breach of the national guidelines on reporting requirements.

Pal (1997) stated that there are two dimensions of an issue: analytical and rhetorical. The analytical dimensions “emphasize the logical elements that make up an argument” (p. 78). Both INAC and the First Nations had logical elements in their views. As previously stated, INAC was concerned with student eligibility for funding and the distribution of resources. To INAC it was logical that only eligible students who lived on reserve and who attended regularly should be funded. The logic to the First Nations was that all students had a Treaty Right to an education and that the deletion of the students from the nominal roll was against Treaty. The rhetoric dimension deemphasized the analytical statements as “less important as the structural elements of language that stimulate almost unconscious reactions to the arguments” (Pal 1997, p. 78). Both groups had a rhetorical dimension to their arguments, for INAC reacted against the Treaty Right to an education and saw it only from the financial side. The First Nations only saw the financial side in the perspective of double funding of a student. They were not concerned with the financial side of the issue. The solutions to problems depended on how the problems were identified (Pal 1997).

### **Policy Communities and Policy Networks in the Policy Stream: A Summary**

Problem definition affects the solution chosen for policy (Pal, 1997). Different groups view a problem from differing perspectives. Specialists operate within the policy stream. If the specialists are fragmented, it is more difficult for a policy to move forward; however, if the specialists are close knit, there is a better chance that a policy will be developed and can survive. Ideas float around in the policy stream and some

die, while others survive. Policy entrepreneurs advocate for their solutions and push ideas forward. (Kingdon, 2003, Montpetit 2003, Howlett & Ramesh, 1995).

Kingdon listed five criteria for a policy to survive. They were: (1) the policy must be technically feasible; (2) there must be value acceptability within the policy community; (3) the cost of the policy must be tolerable; (4) there needs to be public acceptance; and (5) there should be a reasonable chance of receptivity among the elected decision makers (Kingdon, 2003). The policy for the nominal roll process was technically feasible for it provided a mechanism for INAC to distribute revenue; it ensured student eligibility for funding based on residency and it prevented the duplication of funding for students in more than one community. Although there was value acceptability within the INAC part of the subgovernment, there was little value acceptability within the First Nations until the coding instructions changed in 2004. The cost of the change was tolerable, for it was approved by the Regional Management Committee for the Saskatchewan Region. These changes in the coding instructions were acceptable to both the First Nations and to INAC.

Policy images determine how one viewed the necessary policies (Baumgartner and Jones 1993). INAC viewed policy as a means to distribute limited resources through funding eligible students who had an established pattern of attendance. The First Nations policy image was the Treaty Right to an education. INAC had the ultimate power; however, although power and autonomy remained with the state, power-dependency relationship changed with a change in the structure of the sectoral interests aligned under the umbrella of First Nations organizations rather than the affiliated First Nations acting alone. Fragmentation led to instability. Once the

affiliated First Nations let their regional organizations take the lead role, there was a more coherent voice for policy change. The policy entrepreneurs kept the issues alive by floating ideas and softening up the subgovernment. When the time came for negotiations both sides compromised on the rate of student attendance. There were also compromises on the issues of part-time students and students who were enrolled under a block system.

### **The Impact of the Political Stream on Problem Identification and Policy Alternatives**

The political stream flows alongside the problem stream and the policy stream. The political stream is composed of factors such as the “public mood, pressure group campaigns, election results, partisan and ideological distribution [in government] and changes in administration” (Kingdon, 2003, p. 145). The government of Canada has a treaty and a constitutional obligation to the First Nations people. Section 91, subsection 24 of the British North America Act 1867 stated that the federal government was responsible for Indians and lands reserved for Indians. The Charter of Rights and Freedoms 1982 guaranteed rights and freedoms of First Nations people and recognized and affirmed existing Treaty Rights. In addition, the treaties that were signed with the various Indian Nations in Canada stipulated the rights of the Indians as defined by Treaty. The right to an education was a clause in the treaties. Thus, the Government of Canada is responsible for First Nations people. Federal legislation and policies that were developed to implement that responsibility are established in this political context.

The Nominal Roll System Audit of 1993-1994 was a review into the nominal roll system that was initiated at Headquarters. The review was initiated because there

were concerns over the quality of the nominal roll data. The review found that the nominal roll data were questionable and that the nominal roll may not be the most efficient and effective means to obtain the data that was required to allocate resources for education to the First Nations. INAC clearly outlined the responsibilities of the different actors. The band was to provide accurate residency data. The school was to provide accurate enrolment statistics. INAC was to accurately record the data it received. The review indicated that there was a need to validate the accuracy of the data received from the bands and the schools. The rationale for the nominal roll was based on financial accountability. The Director General of Finance was to conduct on-site audits every three to five years in order to verify the data and to develop a framework to develop a consistent approach to the nominal roll. The policy community identified through the audit was INAC, the band and the school. This network was highly state directed.

In 2000, the Auditor General issued a report on INAC education. The Auditor General was highly critical of INAC and its role in the education of First Nations students. As a part of this criticism, the Auditor General indicated there were opportunities to improve the nominal roll by developing and applying a comprehensive strategy for the nominal roll process and to expand the use of nominal roll verification. This could include using the nominal roll for accountability purposes.

Following the release of the Auditor General's Report of 2000, INAC commissioned studies related to First Nations Education. The Department audited the data collected through the nominal roll process as it related to teacher certification. The Audit of Teacher Certification 2003 found that the data collected was questionable and

varied across the regions. This resulted in a policy directive to collect more accurate and detailed information. This new direction was a critical point in the Saskatchewan Region. At the macro level, INAC dictated a change in policy. In 2003, the Saskatchewan Region enforced this policy change without consulting or informing the First Nations. Many of the First Nations in Saskatchewan, both individually and collectively, would not comply with this directive. In the face of this opposition, INAC Saskatchewan Region responded to the pressure and changed the details required in the data collection on staff. Staff did not have to be identified by name. INAC only needed to know qualifications, experience and salary in a general sense.

In November 2003, INAC also published a set of guidelines for elementary and secondary education. These guidelines stipulated the same three criteria for eligibility for the nominal roll as was previously written in the nominal roll guidelines. The guidelines also referred to an attendance factor; however, this attendance factor was not defined. The Saskatchewan Region defined the attendance factor as fifty percent at the elementary and middle years level and eighty percent at the secondary level. The latter was later changed to fifty percent for the 2004-2005 on-site nominal roll audit. The Chief and Council also had a role to play by ensuring that all students who were eligible for funding were accounted for. Data that were collected from the nominal roll was for “accountability...compliance...administrative and operational needs; and evaluation purposes” (INAC November 2004). The data were to be used at the First Nations level, at Headquarters, in the regions and at the public level. The Compliance Directives of 2005 stated that the terms and conditions in the funding agreements and the Elementary/Secondary Education National Guidelines 2003 were to be followed.

INAC also evaluated the band operated and federal schools. This evaluation was conducted using a modified version of the Logic Model of the *Results-based Management and Accountability Framework (RMAF)*. This framework stated that both the First Nations and the provinces were to be jointly responsible with INAC for policy development. The First Nations and the provinces were to be a part of policy development. The resulting *Band Operated and Federal School Review 2005* reiterated the same three criteria for student eligibility that was in place. These criteria did not mention student attendance. Funding was to be allocated on the basis of the nominal roll. The report also found that INAC did not take the current educational structure into consideration when funding was determined. Rather, “most INAC officials applied a mechanistic formula based on the annual nominal roll to determine funding” (Band Operated and Federal School Review June 2005). The nominal roll was to determine that funds were directed to registered Indians.

There were several macro level studies that provided direction for the implementation of the nominal roll at the regional level. Although the studies were initiated without First Nations involvement, the directives that emanated from the studies stipulated that the First Nations were to be involved in policy development at the regional level. In the Saskatchewan Region, the First Nations became more active actors in setting policy for the nominal roll process post 2003.

The general policy directives at the macro level became more specific at the meso level. The Audit of the Nominal Roll 1993 suggested changes and gave directions to the regions. The Saskatchewan Region continued its policy of yearly audits. It used the Nominal Roll Audit 1993 as the rationale to continue the practice of yearly audits



even though no other region in Canada conducted yearly audits. In the nominal roll policy revision of 1997, the Saskatchewan Region also narrowed the definition of student eligibility for funding by excluding students who were either apprehended by social services or who were incarcerated at the time of the audit.

The Auditor General's reports of 2000 and 2004 were highly critical of INAC Headquarters regarding INAC's education policy. As a result of the 2000 audit, INAC commissioned and adopted recommendation from the following reports which impacted the nominal roll process: Elementary/Secondary Education National Guidelines 2003, Audit of Teacher Certification 2003, Education Compliance Directives 2005, and the Evaluation of the Band-Operated and Federal Schools (BOFS) 2005. The First Nations were a part of the attentive public in these studies and policy statements. The subgovernment was INAC Headquarters. Other players at the subgovernment level were the Office of the Auditor General and Treasury Board. These were state-directed initiatives which originated within the state. The centralized structure of the government gave the federal government the power. Therefore, INAC has the autonomy to develop policy; however, at the macro level, it does not appear to have the capacity to develop adequate policy. The Auditor General's Report April 2000 stated: "Indian and Northern Affairs Canada cannot demonstrate that it meets its stated objective to assist First Nations students living on reserve in achieving their educational needs and aspirations" (p. 4-5). The report continued: "To obtain assurance and effectively discharge its responsibilities, the Department needs...to articulate its role in education" (p. 4-5). The same points were reiterated in the 2004 Report of the Auditor General. Without a clear definition of its role, the Department did not have a clear

definition of the policies that it needed to develop and support, for a problem needs to be recognized before a response can be formulated.

### **Summary**

The policy community consisted of state actors, represented mainly by INAC and associational actors, represented by the First Nations, and their organizations. Prior to 2003, the First Nations were involved in implementing the policy directives of INAC. Although the First Nations had minimal influence in policy direction, they kept the issue of the nominal roll alive. In reaction to a critical event in 2003, the issue of teacher certification, the First Nations took a united stance against the nominal roll process. As a result, they had an influence in changing the nominal roll guidelines. As a result, the network changed from a state-directed network to a corporatist network.

## **CHAPTER EIGHT**

### **SYNTHESIS, DISCUSSION AND IMPLICATIONS**

The purpose of this study was to determine what policy documents reveal about policy communities and policy networks in the development of Indian and Northern Affairs educational policies for First Nations in the Saskatchewan Region.

This chapter covers the following areas: a synthesis of the policy communities and policy networks in the Saskatchewan INAC region as revealed through documents; a discussion of the findings in the broader context; and implications of the study.

#### **Policy Communities and Policy Networks: A Synthesis**

As indicated in Chapter One, three research questions guided this study:

(1) What do documents indicate about actors that comprise the *policy communities* and what role do they play in the establishment and implementation of the nominal roll policy for First Nations? (2) What do documents indicate about actors that comprise the *policy networks* and what role do they play in the establishment and implementation of the nominal roll policy for First Nations? (3) What do documents indicate about the role community specialists play in the establishment and implementation of the nominal roll policy? This section provides a summary of policy communities and policy networks as they relate to the three questions as revealed through documents.

The actors that comprised the policy communities were grouped into three categories: subgovernment, associational actors and attentive public. The main government actor in the problem, policy and political processes was INAC at the national, regional and district levels. Treasury Board and the Auditor General's Office were a part of the subgovernment at the national level, for they influenced INAC policy in the accountability process. At the regional level, the provincial departments of education, social services, and transportation influenced the nominal roll process. The provincial department of education set the standards, established the curriculum and the categories for student classification; the provincial department of social services helped to establish reserve residency, while the provincial department of transportation established safety standards for student transportation.

Prior to 2003, there was not a clear distinction between the associational actors and the attentive public in the First Nations organizations, the affiliated First Nations and the independent First Nations, as represented by chief and council and the directors of education. They were an active part of the attentive public; however, they were weak as associational actors. This is the role they played as defined by INAC during that time.

The First Nations placed the nominal roll issue on the public agenda; however, they had limited success in placing the nominal roll issue on the political agenda. In 2003, INAC unilaterally changed the nominal roll process regarding teacher certification. The First Nations took exception to this change and many refused to participate. Some of the First Nations political organizations directed their technical staff and principals not to provide the information that INAC requested. As a result of

their stance, the nominal roll issue moved from the public agenda to both the government agenda and decision agenda in the Saskatchewan Region.

As a result of their united stance, the First Nations, both individually and collectively, moved from the attentive public to associational actors in the subgovernment. The First Nations organizations, at the political level represented by chiefs and councils, tribal councils and the FSIN, and at a technical level, represented by the directors of education, took a leadership role in changing the guidelines for the implementation of the policy on the nominal roll process. Although the Regional Management Committee of INAC still had the final say in the final guidelines, the guidelines that were adopted was very similar to what was agreed upon through meetings in June 2004. The schools, principals, teachers, students, and parents were part of the attentive public.

The First Nations were heavily involved in the implementation of the nominal roll process. INAC policy and guidelines clearly specified the role that the principals and bands were to play in the implementation of the nominal roll process. The bands and the schools were to ensure that all eligible students were included on the nominal roll. The bands were also to ensure residency. The principals were also required to verify the curriculum and teacher certification and to provide INAC with information on student transportation. INAC's role in the implementation of the nominal roll was the preparation of the initial lists, to check for duplication of students, to check for student eligibility through on-site visits and to provide headquarters with data for the national roll-up.

Prior to 2003, the state directed the policy networks. At all levels, the state had the capacity and autonomy to define the problem, and thus to set the agenda, and to determine and to implement policy on the nominal roll system. INAC policy and accompanying guidelines clearly specified the role that the First Nations were to play in the implementation of the nominal roll process, for they were to supply accurate information to INAC. The voice of the First Nations was not listened to in problem identification, and they had little say in the policy direction.

A window of opportunity opened. The issue of teacher certification was a significant event that impacted the policy networks. In 2003, INAC Saskatchewan Region demanded more detailed information on teacher certification than they asked for in previous years. This change in policy also contradicted the National Reporting Guidelines for education and was contrary to the terms of the comprehensive funding arrangement. Prior to this change in the nominal roll reporting process, the policy network was state-directed with a strong state in terms of autonomy and capacity. By taking a stand against the issue of increased information in teacher certification, the First Nations denied INAC the capacity to carry out their policy in terms of the complete nominal roll package. After initial threats to withhold non-compulsory funding INAC at the regional and district levels changed the nature of the information they originally requested. The policy network changed from state-directed to corporatist.

Post 2003, the networks in the policy and problem streams was corporatist, for the First Nations, through their organizations, influenced problem definition and policy development. There was reorganization within the First Nations organizations in the

policy networks. Prior to 2003, the affiliated First Nations acted independently and through their organizations; the independent First Nations acted in concert with the First Nation organizations and their affiliates. Post 2003, the affiliated First Nations worked through their organizations, which took the lead role; the independents continued to work with the First Nations organizations. There were, thus, fewer lead players at the table in corporatist network. The political stream remained state-directed and was dominated by INAC, even though other federal government players had an influence.

Post 2003, the First Nations exercised influence in both problem definition and policy alternatives, for they moved from problem and policy advocates to policy participants. The First Nations kept the nominal roll issue on the public agenda and on the political agenda at the First Nations level. Post 2003, the First Nations worked with INAC in defining the problem with the nominal roll and in moving the issue from the government agenda to the decision agenda, which rested with the Regional Management Committee within the Saskatchewan Region.

In the problem stream and the policy stream, the community specialists at the INAC level were from Funding Services. This affected their image of the problem and the policy, which was defined from a financial perspective. The First Nations representatives had an education background. They looked at the problem and the policy solutions from an educational perspective and from the focus of Treaties. The political stream was dominated by INAC bureaucrats and was influenced by staff interested in financial accountability.

Kingdon (2003) stated that the political stream is independent of the policy and the problem stream; however, in the case of the nominal roll, all three streams were

interrelated. The political stream rubbed the other two streams in the creation of problem definitions; at the same time, both the problem stream and the policy stream impacted the political stream. The streams approach was useful in the analysis of the issue of the nominal roll policy of the Saskatchewan Region. Policy communities and policy networks are applied to the streams approach; however, as Ripley (1985) stated, a conceptual framework helps to simplify the complex.

The policy community and policy network approach to the study of policy was applicable to the study of INAC and its approach to develop education policy. This framework enabled the identification of the key actors in the policy process and the changing role of the actors throughout the timeframe of the study. When the First Nations members of the policy community took a strong stance in the issue of teacher certification, the nature of the policy community changed with a resulting change in the policy network. When the First Nations had a lead negotiator, supported by the affiliated and independent First Nations, more progress was made both in terms of problem identification and policy alternatives.

This study illustrated that the policy community and policy network approach can be integrated with the *streams* approach of Kingdon. There are implications for the development of policy theory, for the streams are fluid and more like currents in policy development. Significant events in the policy process can galvanize the various policy communities. The policy communities and the policy networks can vary according to the policy process: problem identification, policy alternatives and national political developments.



The policy communities remained relatively constant in all three streams. The various First Nations and their organizations moved from attentive publics to associational actors within the problem and policy streams. The government of Canada as represented by INAC remained the dominant player in the political stream. Other federal government agencies that impacted the political stream were the Office of the Auditor General and the Treasury Board. The policy network in the problem stream and in the policy stream was state-directed until 2003. In 2003, INAC introduced a change in the data that was to be collected through the nominal roll process. The First Nations took a strong stand against this change. As a result, INAC involved the First Nations more in setting the agenda and in determining alternatives to help resolve the issues between the parties. This changed the network from state-directed to corporatist, with the First Nations organizations, with their affiliated First Nations and the independent First Nations being the major actors in the associational actors and government actors. The policy network in the political stream remained strongly state-directed.

### **Discussion**

The government of Canada has complete control over the education of First Nations students. This control is established through the Indian Act 1876 and its various amendments. INAC headquarters establishes policy and directives for the delivery of education and the regions develop guidelines for the implementation of national policy and directives. The First Nations, individually and collectively, have minimal input in policy development; however, in the Saskatchewan Region, they have become participants in the development of guidelines for the nominal roll system.

The nominal roll system is the main policy affecting the delivery of education for it determines the level of funding for First Nations education. The level of funding impacts the quality of education programs that band managed schools can offer.

Calliou (2001) summarized the impact of this control when she wrote:

Current control by non-First Nations financial administration operates as a statist monopoly which merely out-sources education to First Nations people through a dense, bureaucratic maze of program delivery mechanisms and funding formulae...Such...funding arrangements mask an illusionary progress of devolution where the state maintains a *noblesse oblige* to unilaterally make decisions affecting the quality of programs. (p. 3)

The impacts on funding are great, for many students are attending school; however, through the nominal roll process, some are not being funded. INAC argues they are funding education at a level similar to that of the provincial system; this argument, however, does not include those students who are deleted from the nominal roll for funding purposes. INAC uses the nominal roll system as a means to balance its budget.

If the nominal roll system funded the First Nations based on enrolment, the funding level per student would decrease or the education budgets in the regions would face increasing deficits. This would enable any INAC region to argue for more education dollars at the national level. The current practice of borrowing from education capital to cover the delivery of the education program makes it more difficult to argue for more funding.

New Paths funding and other education programs that are funded through contribution funding are also impacted by this system. The Saskatchewan Region receives less than its share of funding in these programs because funding levels are determined by the audited nominal roll.

According to the funding agreements, the school program that is to be followed must be that of the provinces and teachers are to be eligible for certification in the province in which they teach. There is limited input by the First Nations into the program offered by the school other than the locally determined options that are authorized by the Saskatchewan Ministry of Education. At the secondary school level, locally developed courses must be approved the Ministry of Education. The principals of the schools must certify that all teachers are provincially certified through detailed teacher information and they must also certify that the program offered is that of the province in which the school resides. This certification is a part of the nominal roll process.

First the colonial powers and then the government of Canada had political domination over the First Nations people. Colonialism, and its present form of neo-colonialism, continues in First Nations education. From the evidence discussed in this research, there remains a tendency on the part of the dominant political powers to engage in decisions that are oppressive. The First Nations continue to strive to liberate themselves and to enter into a true dialogue with the government of Canada. The nominal roll process illustrates this phenomenon, for INAC controls the policy and the directives and guidelines. The First Nations in the Saskatchewan Region were striving to be advocates for changes in the guidelines that met their needs and their interpretation of the Treaties. They continued to put forward alternatives to the existing guidelines but were continually ignored. Finally, when a critical event occurred, the First Nations rallied to reject the position of INAC. This rejection resulted in a truer

dialogue between the state actors and the societal actors and a change in direction with the guidelines.

Neo-colonialism is just as oppressive as its earlier counterpart. For now many First Nations people who work for INAC are forced to devalue their own culture and to support and promote the ideology and policies of government. To counteract the negative implications of the colonial structure, there is a need for all participants (including First Nations) to participate in the process of government at the national, regional and local levels.

## **Implications**

### ***Implications for Theory***

This research combined the models of policy community and policy networks with Kingdon's problem, policy and political streams. From the documentary evidence there seems to be a fit between these models, for policy communities and networks were present in each of the streams. From the documentary analysis, the three processes are not independent of one another; rather they are interdependent, especially the problem stream and the policy stream which seemed to feed off each other. These, in turn, affected the political stream. This is represented in Figure 15. Each of the streams interrelates and impacts the other. All three streams also intersect. The life in one stream influences the other streams. INAC designed policies to provide solutions to the problems they identified, and these policies created problems for the First Nations, which identified their problems and offered their solutions.

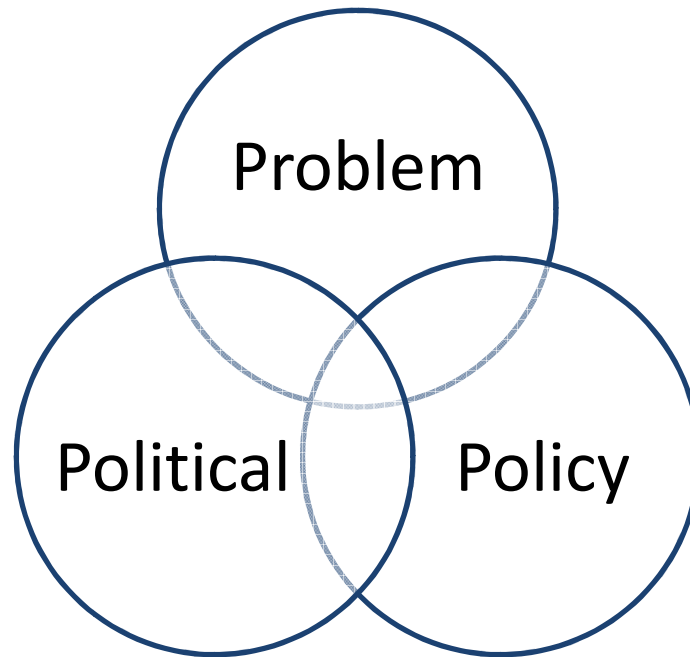


Figure 15: Interrelationship among the Problem, Policy and Political Streams

Although the streams interacted with one another, their major thrusts came from different levels in the political system. This is illustrated in Figure 16. The macro level represents the national level and the political stream. Issues and problems were addressed through national guidelines with little involvement by any agency other than INAC. These guidelines were passed to the Regions to implement at the meso level through the development of guidelines. From INAC's perspective the main purpose of the nominal roll was for the distribution of resources for eligible students. The policy and guidelines were implemented at the micro, or district level, which led to the First Nations identifying the nominal roll process as a policy issue and problem.

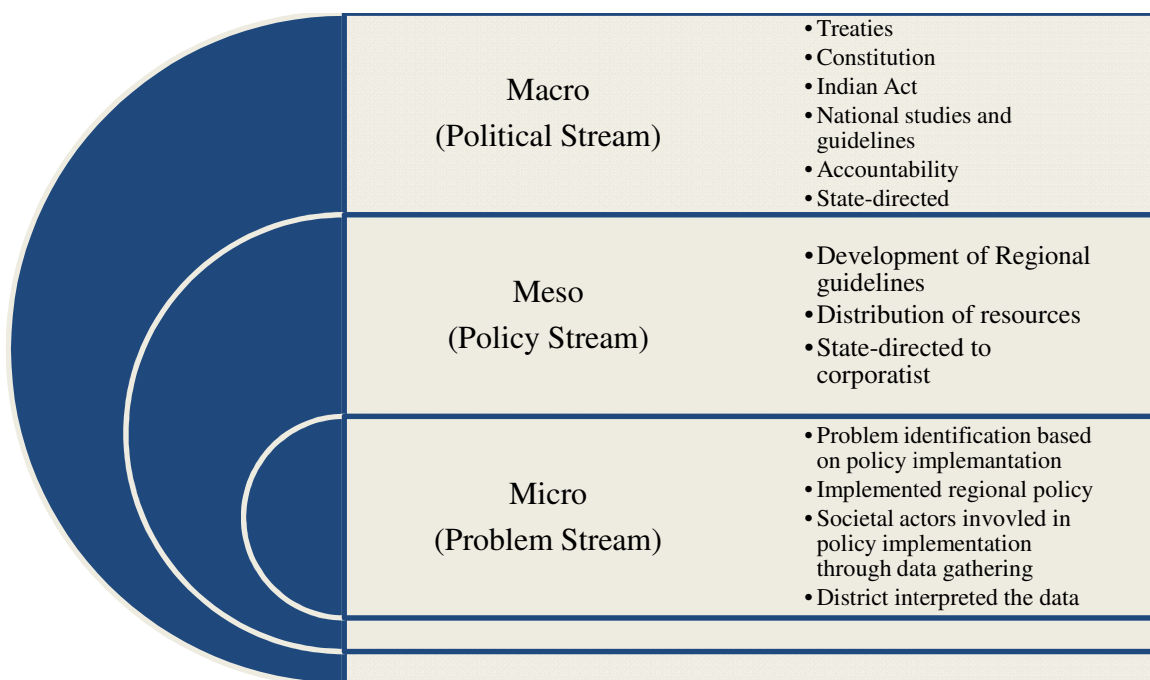


Figure 16: Streams and the Levels of the Political System

Policy communities and networks were evident at the macro, meso, and micro levels. According to the documents the communities remained static at the macro level. The network was state-directed for the time period of this study. At the meso level, the communities were also static; however, there was a change in the organization of the associational actors. Prior to 2003, the First Nations operated in more of a pluralistic manner. They identified problems to INAC and were more involved as policy ‘advocates’ as opposed to policy ‘participants’. The government actors, at the meso level, were a more tightly knit group that possessed both the autonomy and capacity to define policy and to organize for policy implementation at the micro level. Pal (1992) found that the associational actors tend to be weak and dispersed in a state-directed network. The findings of this study did not seem to reflect this in the area of problem identification and public agenda setting. Although the policy network that existed

between the government actors and the associational actors was state-directed, the associational actors were not dispersed, even if they were not strong enough to push the public agenda to the government agenda.

From the documentary evidence in this study, there seems to be more than one type of a state-directed network. Different types of state directed networks were involved in the different processes – problem, policy, and political. Pal’s state-directed network is state-dominated, where the associational actors are weak and dispersed. The documentary evidence of this study indicates this type of network occurred at the national level. At the Saskatchewan Region level, the state controlled the network; however, the associational actors were not dispersed. As illustrated in Figure 17 they were unified along a continuum of individual First Nations and First Nation organizations.

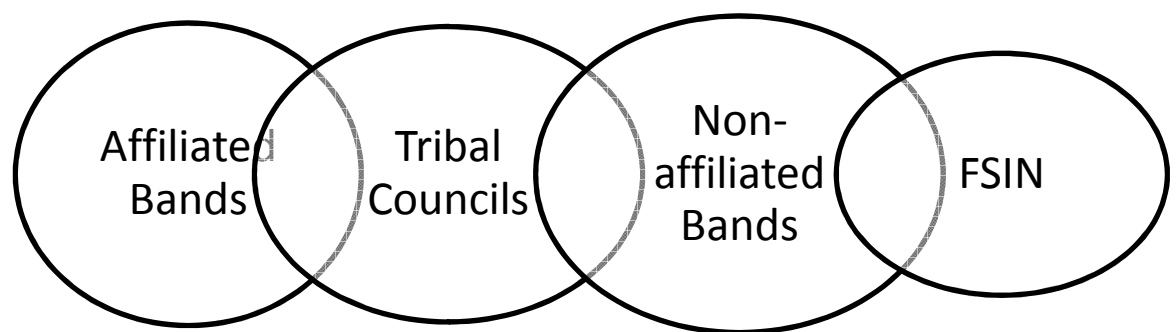


Figure 17: Associational Actors Prior to 2003

They were strong enough to keep the issue alive and on the public agenda, but they were not strong enough to push the public agenda to the government agenda and decision agenda in the Region.

The First Nations reacted to a critical event in a united manner behind the larger First Nations organizations. As illustrated in Figure 18, a tribal council took the

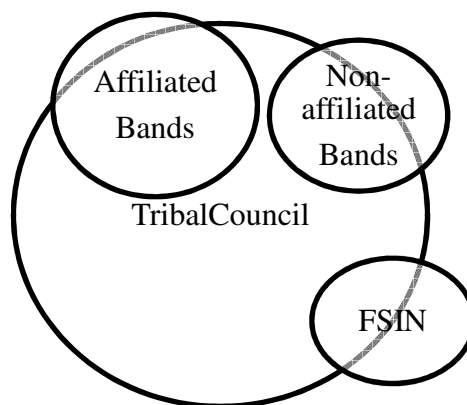


Figure 18: Realignment of Associational Actors Post 2003

lead with the support of other First Nation Organizations. The critical event was the issue of teacher certification, though the critical issue, as identified by the First Nations, was not germane to the main issue of the removal of students from the nominal roll for funding purposes. The change in the demands for reporting on teacher certification had no immediate impact on funding. This has implication for theory in that an ancillary issue can be the catalyst for action.

The First Nations became stronger by refusing to provide the information INAC demanded. Through taking this course of action, the First Nations effectively negated some of the capacity of INAC in implementing the nominal roll process. The network was still state-directed for the state still had the power to formulate policy, but it lost some of its capacity to implement the policy. State capacity in policy implementation was weakened. The organizational strength of the associational actors was increased. This shift also resulted in the state working with the First Nations in both problem



identification and in the generation of policy alternatives. In short, the relationship of the actors within each of the policy communities is important.

### ***Implications for Practice***

This research has implications for program delivery at the school level. The dominant player at the political level is INAC, which is concerned with accountability. INAC headquarters sets the parameters for regional policy development. With an emphasis on financial accountability by Region, INAC HQ promoted an educational system that was interested in maintaining “minimal standards” (Carr-Stewart 2006) as per the funding agreements. With the establishment of a more true partnership, there may be more students funded. This will result in more funds being allocated to the schools, resulting in an increase in staff and in materials.

The manner in which First Nations organize themselves is important. Prior to 2003, the First Nations pursued the issue of the nominal roll both individually and through collectives. Once the First Nations sought a “leader” within themselves, they made more progress. The First Nations also need to be steady in their problem definition and have solutions to their problems ready for implementation once they reach the government agenda.

### ***Implications for Method***

The research methodology that was used for this study was a historical documentary approach. There was little difficulty in obtaining the documents used in this study, for most of the documents are in the public domain. There was some difficulty in obtaining some of the older documents from INAC in terms of the background to the nominal roll. A part of this problem was accessibility to the

documents. Throughout this study, the researcher was concerned that some of the documents may have been destroyed or lost.

The researcher examined in excess of 5000 pages of documents. Some of the documents were only a paragraph or two in length. Other documents were a few hundred pages in length. Of these larger documents, some contained limited information on the nominal roll process. There was a variety of documents. The researcher had access to formal INAC policies related to the nominal roll process, and to correspondence between the First Nations and INAC on the nominal roll issue and copies of minutes of meetings where the nominal roll issue was discussed. Many of the documents that were examined were interesting in terms of First Nations education; however, if they did not refer to the nominal roll, they were not a part of this study.

### ***Implications for Future Study***

This research poses questions for further study. Since 2005, there have been attempts to readjust the funding formulas. The education authorities were to be renewed in 2005. This renewal was changed to 2008 and has now been postponed to 2009. The Assembly of First Nations is becoming more active at the national level. A study of the role of the Assembly of First Nations in changing education policy needs to be done. Another area of study will be to determine whether there have been changes in the policy communities and the policy networks since 2005. Another area of further research needs to examine the relationship of the Assembly of First Nations with the regional and local First Nations organizations across Canada and whether the Assembly of First Nations is truly representative of the First Nations, both collectively and individually. The integration of the theory of policy communities and policy networks

with the theories of colonization and decolonization need to be examined in greater detail and depth.

### **Concluding Comments**

During and after the completion of this study, the researcher believes that the model of policy communities and policy networks is of value and can be used to study INAC education policy. The streams approach of Kingdon lent itself to the analysis of the issues of the nominal roll. First Nations need to maintain a united voice in their quest for control of their own educational system; however, at the same time, they need to maintain their independence at the band level. Although the marriage of a united voice with local input is not always an easy one, this study demonstrated that it can occur. From this study it is apparent that when dialogue is established between the First Nations and INAC, representing the government of Canada, (or as some would say the oppressed and the oppressors) movement can be made in policy change that involves the First Nations as policy participants.

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Appendix A  
Ethics Approval

# Memorandum

---

To: Ethics

From: Larry Wilke

Date: May 2, 2006

Re: PhD Dissertation

---

The methodology for my dissertation for my PhD is a documentary analysis. All of the documents that I am proposing to use are documents within the public domain. These documents have been obtained through meetings, through government departments, either from the Saskatchewan Regional Office of Indian and Northern Affairs Canada or from the internet.

The documents are of the following types:

1. Official policy documents from Indian and Northern Affairs Canada that have been obtained through the Regional Office and the North Central District Office in Saskatchewan.
2. Documents obtained as a result of attending meetings of the Directors of Education for band operated schools at both the Federation of Saskatchewan Indian Nations and at the Prince Albert Grand Council. These documents include some of the above mentioned policies, copies of letters between Indian and Northern Affairs Canada and individual First Nations, Tribal Councils or the Federation of Saskatchewan Indian Nations. These documents are distributed to the schools and to the communities through public meetings. None of these documents are “stamped” as confidential.
3. Other documents are minutes of meetings that are distributed in the same manner.
4. There are some documents that can be classified as secondary documents that are summaries of the above documents.

All of the documents that will be used in this study have been obtained through the internet, through INAC offices, from meetings and from First Nations organizations.

None of the documents that will be used in this study will be confidential documents.

Even though the documents used in this study are available within the public domain, the names of individuals who wrote any of the letters will not be used. This will help to maintain anonymity.

I am asking for your opinion on the above to determine whether there will be any ethical issues with the use of documents as a basis for study.

Subject: [Fwd: Larry Wile's Research Project.]

Date: Fri, 08 Sep 2006 15:44:06 -0600

From: Pat Renihan <pat.renihan@usask.ca>

To: lwilke@sasktel.net

----- Original Message -----

Subject: Larry Wile's Research Project.

Date: Fri, 07 Jul 2006 11:00:04 -0600

From: Curtis Chapman <curtis.chapman@usask.ca>

To: pat.renihan@usask.ca

Dear Patrick,

In regards to the memorandum submitted by Larry Wilke on June 5, 2006, it has been determined from the information provided; that the project entitled /Policy Communities and Policy Networks: The Establishment of Indian and Northern Affairs Canada Education Policy in the Saskatchewan Region/ is exempt of ethics review.

The project is exempt of ethics review because it is policy and documentary analysis and is based on publicly available information.

Please ensure that information is not attributed/linked to specific individuals. It should also be noted that, though your project is exempt of ethics review, your project should be conducted in an ethical manner (i.e. in accordance with the information that you submitted). It should also be noted that any deviation from the original methodology and/or research question should be brought to the attention of the Behavioural Research Ethics Board for further review.

We wish you an informative and successful study.

Regards,

**\*\*Curtis Chapman\*\***

**\*\*Ethics Officer (Behavioural)\*\***

**\*\*Office of the Vice-President Research\*\***

**\*\*University of Saskatchewan\*\***

**\*\*Room 306 Kirk Hall, \*\*\*\*117 Science Place\*\***

**\*\*Saskatoon SK S7N 5C8\*\***

**\*\*Phone: (306) 966-2084 Fax: (306) 966-2069\*\***

**\*\*www.usask.ca/research/ethics\_review/\*\***

<BLOCKED::http://www.usask.ca/research/ethics\_review/>



## Appendix B

### Codebook

## Codebook

This codebook is planned to aid in the process of coding documents related to the nominal roll. Each category used in this study is defined according to its use in the literature review. Although there may be various definitions of the terms used for the categories, the definitions that stem from the literature review are the ones that are used here.

### Basic Instructions:

1. Give each document a number.
2. Number each paragraph in the document.
3. Give the date of each document.
4. Provide the source of each document.
  1. from INAC to a First Nations Organization
  2. from a First Nations Organization to INAC
  3. minutes of an INAC meeting
  4. minutes of a meeting of a First Nations organization
  5. personal notes
  6. other: please specify
5. Read each article in its entirety.
6. Read each article a second time, paragraph-by-paragraph. Under the category Policy Communities, indicate the sub governments and the attentive publics mentioned. Write out the specific words or phrases that you used to form your conclusion. Continue this process for the entire document. Use a separate recording sheet for each paragraph.
7. Read each articles a third time, paragraph-by-paragraph. Under the heading Policy Networks, indicate which policy network is referenced in the paragraph. Write out the specific words or phrases that you used to form your conclusion. Continue this process for the entire document. Continue this process for the entire document. Use the recording sheets from step 6 above so the document numbers and paragraphs correspond.
8. Reread each article a fourth time, paragraph-by-paragraph. Under the heading Policy areas, indicate which policy are is mentioned in the paragraph. Write out the specific words or phrases that you used to form your conclusion. Continue this process for the entire document. Continue this process for the entire document. Use the recording sheets from step 6 above so the document numbers and paragraphs correspond.
9. Continue the above procedure with each of the documents.

### Definitions:

**Policy Community:** A policy community is the actors or groups who have an interest in a policy or a policy area.

**Subgovernment:** The subgovernment is institutionalized and represents those interests that have a role in formally establishing policy. Examples of subgovernments are the federal government and its departments, the provincial government and its departments, First Nations governments and municipal governments.

**Attentive Public:** The attentive public is less clearly defined and less cohesive than the subgovernment. The attentive public is composed of special interest groups, pressure groups and individuals.

**Policy Networks:** Policy networks are the relationships which exist between the actors in a policy community.

Pressure Pluralist Network	State agency is autonomous, associational system is dispersed and weak. Many groups compete for state agency's attention. Groups advocate policies rather than participate in policy-making.
Clientele Pluralist Network	State agencies are both weak and dispersed, as are associational systems. Agencies rely on associations for information and support, allow them to participate in policy-making
Corporatist Network	State agency is strong and autonomous; associational system comprises a few large and powerful groups, usually representing consumer and producer interests. Groups and agency both participate in policy formulation and implementation.
Concertation Network	State agency is strong and autonomous; associational system is dominated by one organization that represents it. Agency and organization are equal partners in long-term planning and policy-making.
State-Directed Network	State agency is strong and autonomous; associational system is weak and dispersed. State dominates policy sector and associational system.

(Pal, 1992, p. 112)

**Policy Areas:** There are three types of policy areas: distributive, regulatory and redistributive

**Distributive Policies:** In distributive policies something is given to people or to groups of people.

**Regulatory Policies:** In regulatory policies rules are established to limit what people can do.

**Redistributive Policies:** In redistributive policies, something is taken from one group of people and given to another group of people.

## Appendix C

### Code Form

## Code Form

Coder: \_\_\_\_\_

Document Number: \_\_\_\_\_

Paragraph Number: \_\_\_\_\_

Date of document: \_\_\_\_\_

Source of Document (check one):

☐ from INAC to a First Nations Organization☐ from a First Nations organization to INAC☐ minutes of an INAC meeting or recorded by INAC☐ minutes of a meeting or a First Nations organization or recorded by a First Nations organization☐ personal notes☐ other: please specify \_\_\_\_\_

Categories	Count (how many references were made)	Words or Phrases to support count
------------	--	-----------------------------------

---

 Policy Communities

Subgovernments

Federal

government

---

 Provincial  
government

---

 First Nations  
government

---

 Other

---

 Attentive Public

Pressure Groups

(identify)

---

Agencies  
(identify)

---

Other  
(identify)

---

Categories	Count (how many references were made)	Words or Phrases to support count
Policy Networks		
Pressure		
Pluralist		
Clientele		
Pluralist		
Corporatist		
Concertation		
State Directed		
Other		
Policy Areas		
Distributive		
Regulatory		
Redistributive		
Other		

## Appendix D

### Matrix

#### Scott's Criteria to Evaluate the Quality of Evidence



### Scott's Criteria to Evaluate the Quality of Evidence

Document Number: \_\_\_\_\_

Document Title: \_\_\_\_\_

#### Test of Authenticity

Source of document	Copies of document	Author

#### Test of Credibility

Purpose of document	Point of view

#### Test of Representativeness

Complete document	Known documents not available

#### Test of Meaning

Literal meaning	Author's intention

Appendix E

Formal INAC Documents

### **Formal INAC/Government Documents**

Audit of the Nominal Roll System 1993-1994

Audit of Teacher Certification 2003

Auditor General's Report Chapter 4, 2000

Auditor General's Report Chapter 5, 2004

Basic Departmental Data

Compliance Directives for Education 2005

Comprehensive Funding Arrangement

Education Financial Management Regime Saskatchewan Region 2001

Evaluation of Band Operated and Federal Schools 2003

First Nations Data Collection Profile 2004

First Nations National Reporting Guide 2005

Guidelines for Conducting Nominal Roll Audits 1995

Minister's Task Force on Education 2002

National Elementary and Secondary Program Guidelines 2003

National Reporting Requirements

National Reporting Requirements: Saskatchewan Version

Operational Policies Saskatchewan Region Indian and Inuit Affairs (Indian and  
Northern Affairs Canada)

Regional Nominal Roll Guidelines 1993-1994

Third Party Management Funding Arrangement

## Appendix F

### Letters, Memos, Minutes

## Letter, Memo, Minutes, Motions

Code	Type
1993-06-21	Letter INAC to INAC
1995-00-00	First Nation Motion re Nominal Roll
1997-09-17	Letter INAC to INAC
1999-00-00	First Nation Resolution re Nominal Roll Audit
1999-00-00c	First Nation Issues
1999 – 04-00	CFA Tribal Council
1999-05-19	Letter INAC to First Nation
1999-10-01	First Nation Memo re Nominal Roll
1999-10-28	First Nation Memo re Nominal Roll
1999-11-24	First Nations Issues
2000-01-27	Letter from First Nation to INAC
2000-03-09	First Nation Memo re Nominal Roll
2000-06-13	Letter from INAC to First Nation
2000-06-26	Letter from First Nation to First Nation
2000-10-16	Letter INAC to First Nation
2000-08-16	Nominal Roll Committee Meeting
2001-08-21	Letter INAC to First Nation
2001-09-07	Letter INAC to INAC
2001-09-21	First Nation Education Report to Chief and Council
2001-11-02	Letter INAC to First Nation
2002-01-31	First Nation Motion re Nominal Roll

2002-02-16	Minutes of First Nation and INAC Meeting
2003-09-18	Letter INAC to First Nation
2002-09-23	Letter First Nation to First Nation
2003-09-26	Letter INAC to First Nation
2003-09-29	First Nation Briefing Note
2003-10-06	INAC letter to First Nation
2003-10-09	Letter INAC to First Nation
2003-10-17	First Nation Resolution
2003-10-23	First Nation Resolution
2003-11-24	Letter INAC to First Nation
2003-11-27	Nominal Roll Observation Report
2003-12-02	First Nation Motion re Nominal Roll
2004-00-00	First Nation Indicator Report
2004-01-08	First Nation Legal Opinion on Nominal Roll and Teacher Certification
2004-01-12	Letter INAC to First Nation
2004-01-26	First Nation Briefing Note
2004-01-28	First Nation Resolution re Nominal Roll
2004-02-20	Letter INAC to First Nation
2004-04-01	CFA Arrangement
2004-06-22	Discussion Notes of First Nation/INAC meeting
2004-09-00A	Regional Nominal Roll Summary
2004-09-00B	Nominal Roll Results Summary

2004-09-00 C	Nominal Roll Guidelines
2004-09-00 D	Letter from INAC
2004-09-23	Letter from INAC to First Nation
2004-11-00	CFA National Model
2005-02-25	Letter from INAC to First Nation
2005-11-23	School Audit Report